GARDNER BLANCHARD PERRY FUND

INSTIGATION OF THE DEVIL

INSTIGATION OF THE DEVIL

By

EDMUND PEARSON
AUTHOR OF "STUDIES IN MURDER"

"Not having the Fear of God before his Eyes, but being Moved and Seduced by the Instigation of the Devil. . . ."
—OLD INDICTMENT.

CHARLES SCRIBNER'S SONS
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THIS BOOK IS
GRATEFULLY DEDICATED
TO
FRANK CROWNINSHIELD
ACCESSORY BEFORE THE FACT

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NOTE

In three earlier books of mine there were included, together with shorter articles, the detailed stories of certain murders. The Borden case had a long chapter, with two postscripts. The crimes of Louis Wagner on the island of Smutty Nose; the curious circumstances of the death of Mrs. Meservey at Tenants Harbor; and the Patrick trial, were all described at length. It often seems more satisfactory to tell them so, with attention to background and minor incident.

In magazine publication this is impossible. The editor of *Vanity Fair* asked me to write about a few murders, and these articles, of course, had to be brief. Some readers probably found them acceptable, since the series, planned to be five or six in number, has continued until there are now between forty and fifty. The chapters in this book are from this series. To most of them additions have been made—half a page, or four or five pages.

It is easy to repeat oneself in such a book, and, looking it over, I notice four or five references to

Miss Lizzie Borden and her adventures in Fall River. To leave these is to run the dreadful risk of being compared to Mr. Dick with King Charles's head. Or, even worse, to have some one say that I am suffering from a complex or an obsession. Nevertheless, it seems best to let them remain.

My reason is that there is still a fair amount of interest in the lady. Hardly does a month pass when I do not get some inquiry about her. More remarkable than this was an incident of a little over a year ago.

The barn, behind the old Borden house, was being taken down by the present owners of the premises. The object, it is said, was to put up a brick building to be used as a manufactory of stuffed cotton rabbits, for the Easter trade. Some newspaper reporters were present at the demolition, and, by an odd coincidence, there fell out from the rafters a rusty implement, described as an "axe" or a "hatchet."

As a matter of fact, it was neither of these, but a "cooper's hammer."

Its real name and description were seldom printed in the items which appeared throughout the country for the next six months—and which will continue to appear. It was usually described as "perhaps, the missing Borden axe."

The hatchet actually used in the murders was probably produced at the trial, but this was now ignored. Also was it ignored that there was clear testimony at the trial that the murders were done with a sharp-edged weapon, having a blade three or four inches long. This newly discovered object had a dull edge, about one and one-half inches long. The question whether it bore blood stains was about as important as whether there were blood stains on the spire of the Central Congregational Church.

Yet the question of blood, or no blood, was solemnly debated for months; and the local government actually paid (not without some loud, public groans) two or three hundred dollars, to an analytical chemist, in order to get a report which divulged—nothing of importance.

It recalls a remark made at the end of one of Mr. Anthony Berkeley's novels. Said the Inspector from Scotland Yard to the amateur detective:

"Do you know what's the matter with you, sir? You've been reading too many of these detective stories."

EDMUND PEARSON.

SCARSDALE
June 1, 1930

INSTIGATION OF THE DEVIL

I

MRS. WHARTON'S HOUSE-PARTY

One cheerful Saturday in June, nearly sixty years ago, General William Scott Ketchum left his home in Washington for a week-end visit at the house of his old friend, Mrs. Elizabeth Wharton of Baltimore. He was a retired officer of the Army, both hale and hearty after his Western campaigns. But he was now on a more dangerous expedition than any foray against the Indians or the Mormons. Like Doctor Parkman of Boston, he was bent on collecting a debt.

The General had lent the widow of a brother officer, the late Major Wharton, the sum of $2,600, and taken her note. He told his friends that he was going to get the money, and also wish Mrs. Wharton a pleasant voyage to Europe. She was preparing to sail in a week or two.

Something has been said about a number of very fatiguing business affairs attended to by General Ketchum on that warm morning before he took the train. There is also a rumor about a slice of water-melon which he ate. (Peo-

ple always love to blame water-melons.) Nothing, however, really appears about this, and it is a matter of historical record that there is always much loose talk about the dietary indiscretions and drug-taking habits of gentlemen who, under the ministering care of ladies, have perished mysteriously.

When Mrs. Maybrick of Liverpool was convicted of poisoning her husband with arsenic, there was some foundation for this talk. Doubt was expressed about the verdict, and justly, since Mr. Maybrick not only took noxious drugs for his own peculiar pleasures, but was also experimented upon, by his puzzled physicians, with nine more or less deadly substances—almost the whole pharmacopœia—in their vain efforts to bring him back from the valley of the shadow.

With General Ketchum, however, all gossip about water-melons, opium, and other things so bad for retired brigadier-generals, is beside the point. He arrived in good shape and spirits, as attested by a Mrs. Chubb who came with him.

He was received by Mrs. Wharton as cordially as he could expect, since she knew that it was his purpose to cast some gloom over her European plans by murmuring, at the first opportunity:

"About that matter of the $2,600 . . . ?"

Mrs. Wharton's *ménage* seems to have been extensive. I do not know whether she kept a boarding-house, or whether she was exercising the justly-famed Southern hospitality, but her place was full of guests and callers. There were Mr. and Mrs. Van Ness, Mrs. Hutton, Mrs. Loney and others. Soon they were all merrily chattering and shaking up drinks.

Mrs. Wharton proposed to General Ketchum a glass of lemonade. He blanched at the suggestion of this acid beverage, but said that he believed that "if it had a stick in it," he might undergo the risk. At a later date an explanation had to be made for the benefit of the Judge, who could not be expected to know what a "stick" was. It took the form of brandy.

The history of the following few days is one of milk-punches, sangaree, brandy concoctions, and beer. It was not that these gentlefolk devoted themselves to getting tipsy with alcohol: it might have been better if they had. But someone was forever mixing for someone else a drink, homely enough in its name and appearance, but toxic, indeed, in its result.

General Ketchum was violently ill the evening of his arrival. He could not go to church

on Sunday, nor return to Washington on Monday. Mrs. Wharton continued to ply him with drinks, and to preside over the medicines which were given him. He recovered, and arose from his bed; and then became ill again.

At last, after some extremely painful scenes, which always followed the administration of any new draught by the hostess, he died—one week after his arrival in Baltimore.

On one occasion he remarked—

"Mrs. Wharton has poisoned me with a glass of lemonade."

This, of course, was officially waved aside as "a jocular remark of the old gentleman." If that was its correct description, it was the only jocularity in which he indulged during the last seven days of his life. I have seldom read of a more depressing week-end party than this festival of Mrs. Wharton's.

Not one of the ladies was ill, but Mr. Van Ness, who was a banker, and familiar with Mrs. Wharton's financial affairs, very nearly expired, under the same distressing symptoms which marked the illness of General Ketchum. In a glass of beer offered to Mr. Van Ness by his hostess, but declined by him (he had already had some of her drinks) there were found, it

was asserted, fifteen grains of tartar emetic—which contains the poison, antimony.

The same drug was found in a milk-punch thoughtfully mixed for General Ketchum by Mrs. Wharton. Now, it was rather embarrassing for Mrs. Wharton that she had to admit having bought tartar emetic during the week. She used it, she said, for some ailment of her own, as an external application.

Whatever one may think of Mrs. Wharton, she is entitled to our gratitude for this variation from the classic excuse for the possession of poison. Ninety-nine times out of a hundred, ladies in her difficult situation, found with arsenic in the house, make use of one of two well-worn explanations: either they have needed it to destroy rats, or else they wished to enhance the beauty of their own complexions.

In some families, the opposite results have been obtained: the husband has been destroyed, and the rats have had their complexions improved.

With both gentlemen of the party in convulsions, in their separate rooms, two of the other guests, Mrs. Van Ness and Mrs. Loney, began a campaign of sipping, testing and tasting the beverages which Mrs. Wharton produced, from

time to time, from her laboratory. They agreed that whether they were called beer, milk-punch, sangaree or a dose of "yellow jasmine" (the remedy prescribed for General Ketchum by his physician) they were all alike in tasting "like a brass pin."

After General Ketchum had passed from this earthly life, and Mr. Van Ness had recovered, Mrs. Wharton continued her packing and preparations for Europe. The outraged people of the State of Maryland, however, interfered with her trip, and insisted upon bringing her to trial. So aroused against her were the inhabitants of her own city, that in order to safe-guard her rights, the trial was held in Annapolis, where it was daily attended by officers from the Naval Academy—as was seen by the prevalence of sailor-like whiskers upon the faces of gentlemen in the audience.

The New York *Sun* bluntly referred to Mrs. Wharton as "The Baltimore Borgia," but the law of her own State showed far more delicacy. The total disappearance of General Ketchum's waistcoat, shortly after his death, and with it the disappearance of Mrs. Wharton's note for $2,600 were points to be explained. The lady said that she had paid the debt *in cash,* and then,

on the General's advice, torn up the note. She owed the Ketchum estate nothing: on the contrary, they were indebted to her for $4,000—the amount of some bonds which the General was keeping for her.

The bonds were not to be found, and she had no receipt for them. General Ketchum had been fussily exact in his private bookkeeping, yet he had left, in his account books, no entry of the bonds. Mrs. Wharton claimed them, however, and considered herself an ill-used woman.

In any transaction of life, upon which one might be called to make a decision, so interesting a fact as the simultaneous illness of Mr. Van Ness, during the last agonies of the General, would be considered both pertinent and essential. But not in a trial of this kind. So tenderly does our law protect persons accused of grave crime that the jury were allowed to hear nothing of the banker's ordeal.

This is one of the many reasons why the sleepless nights endured by tender-hearted people, who disturb themselves about the law's brutal treatment of suspected murderers, seem rather unnecessary; and why the logic of these folk appears slightly anserine.

The trial of Mrs. Wharton dragged on from

December 4, 1871, until late in January. The listeners, the jury, and the reporters all became horribly bored. The prisoner sat impassive in Court, shrouded in a heavy black veil. Her husband had died four years earlier; and her son, also an army officer, had died in his mother's house twelve months since, leaving her the amount of his life insurance. No grounds for suspicion attached to her, so far as I know, in these deaths.

The trial developed into a combat, a series of field-days, and an all-round good time for the doctors and other medical and chemical experts. The first of these, the luxuriously whiskered Doctor Williams, may be seen giving testimony in the picture accompanying this chapter. It was Doctor Williams who prescribed yellow jasmine. Mrs. Wharton had prepared the second dose of this remedy, and insisted on giving it to the sufferer ahead of time—as the first dose "had done him so much good." The effects of this second dose were dreadful to witness. Mrs. Wharton kept the cup and spoon within her own care.

Doctor Williams and four or five other doctors or professors of chemistry agreed that the General had not died from natural causes. They

Leslie's Weekly.

DR. WILLIAMS ON YELLOW JASMINE

agreed, with more or less certainty, that poisoning by antimony would account for the symptoms. Doctor Williams had expressed his belief, before the death, that his patient had been poisoned. Two qualified analytical chemists testified to antimony in the General's body.

The defense, however, produced an amazing battery of experts. Among them Professor McCulloch and Doctors Genth and Goolrick were impressive. These gentlemen, with seven or eight others, attacked the chemical learning of the witnesses for the State and re-enforced their opinion by means of a very attractive little working-model of the stomach of the late General Ketchum, used in place of the original—which they had never seen.

Some of these doctors and professors thought that the General might have died from cerebro-spinal meningitis—then an even more obscure disease than it is now. It was, of course, an odd coincidence that General Ketchum, coming from Washington, and Mr. Van Ness of Baltimore, should each have been so inconsiderate as to bring his case of cerebro-spinal to Mrs. Wharton's house-party. But, owing to the tenderness of the law previously referred to, this strange working of the doctrine of chance did not have to be explained by the defense.

In the end it came to this: the State's analysts felt that their tests established the presence of antimony in the General's body; the opposing analysts said that the tests should have been carried further.

A flat disagreement of experts resulted, as usual, in surrounding the minds of the jury by a dense fog. After some thought, they acquitted Mrs. Wharton. She was still under indictment for trying to poison Mr. Van Ness, but the State decided that it was not worth while to prosecute this charge. So the lady went free —not exactly with the cheers of her fellow Baltimoreans.

She had made a serious blunder in tearing up the note and destroying all evidence that she had squared such a considerable debt. Had she not done this, the Marylanders might have been more gallant toward her. As it was, a number of years had to pass before there was any real rivalry for an invitation to one of her week-end parties.

II

THE COLT–ADAMS AFFAIR

Mr. Asa H. Wheeler was a teacher of penmanship and bookkeeping. A blameless gentleman, no doubt, but he first appears in history in the undignified act of peeping through a keyhole. And aided and abetted by one of his pupils,—a youth named Arzac Seignette.

The reasons were these: Mr. Wheeler's school was in a granite building at the corner of Chambers Street and Broadway, where Delmonico's was later to be situated. One chilly September afternoon in the year 1841—John Tyler being President of the United States, and peace generally prevailing in lower Broadway and City Hall Park—Mr. Wheeler was sitting in his school-room, quite as usual. His calm, and that of young Mr. Seignette, was suddenly broken by a curious noise in the next room. It sounded "like the clashing of foils"; afterwards there was a violent fall on the floor.

Æsthetic dancing had not yet come in, and Mr. Wheeler at once suspected serious trouble. His neighbor was another expert in bookkeep-

ing: Mr. John C. Colt,—famous, until this moment, chiefly through his brother, Colonel Samuel Colt, who invented the revolver. The Colonel had his offices in the tower of the old New York University in Washington Square, but Mr. John pursued his profession—and argued about the rent, with his landlord, Mr. Wheeler—in this building, at the corner of Chambers Street, so near City Hall.

Mr. Colt had written a manual on bookkeeping, and was in the agonies of getting it published. Mr. Wheeler probably knew this, and also knew something about the peevish temper of authors at such times. He went into the hall, and put his eye to the keyhole of Mr. Colt's door. The drop was down, but he poked at it with a quill pen, and pushed it aside. The teacher was then able to see a man, in his shirt-sleeves, bending over something, and apparently in the act of sawing. The limited possibilities of the keyhole prevented Mr. Wheeler from having a great shock: he was unable to see what it was on the floor which engaged the attention of the man in shirt-sleeves.

He and his pupil whispered and consulted, and took turns at the keyhole. Other pupils came, and were sent to fetch the owner of the

building, or the janitor, or a police officer. They knocked at the door—somewhat timidly—and tried stratagems to induce the occupants to open unto them. They were on watch, by turns, until the evening, but learned nothing of importance. The man inside evidently discovered the key-hole, for he blocked it up, so that that source of entertainment had gone.

Next morning, Mr. Wheeler borrowed a key and entered Mr. Colt's room. It was then empty. A large box, which had been noticeable the afternoon before, was no longer there. The floor had been scrubbed, and was still damp. Oil and ink had been spilled here and there, and thrown in spots on the wall. Mr. Wheeler thought his dark thoughts—like Mr. Littlefield, janitor of the college where Professor Webster was to become so celebrated eight years later. But there was nothing to do but retire to his own quarters.

Half an hour later he had a call from Mr. Colt, who was very talkative. So talkative, in fact, that it was hard for Mr. Wheeler to get in his question:

"Mr. Colt, what noise was that in your room yesterday afternoon?"

The reply was:

"You must be mistaken, as I was out all the afternoon."

A day or two afterwards, however, Colt admitted that he had upset a table, spilt some ink, knocked down some books, and made "a deuced mess." Later in the week Mr. Colt, "in a very friendly and urgent manner," invited Mr. Wheeler to come into his room, "to have some conversation on the subject of bookkeeping."

The invitation was repeated, but Mr. Wheeler declined, politely and resolutely. The celebrated wild horses, had any of them been available, would not have been sufficient to get the teacher into Mr. Colt's rooms.

Four days after the disturbance, it became generally known in New York that one of the city's best printers was missing. Samuel Adams, whose place of business was at the corner of Ann and Gold Streets, had gone out to collect some bills, on the same Friday afternoon when Mr. Wheeler had been called to the keyhole. Since then, no one had been able to find him. One of his debtors was Colt, and the discovery of this fact had strengthened Mr. Wheeler's determination to engage in no private conferences in his neighbor's apartment,—no matter what alluring prospects might be held out of a little chat about bookkeeping.

A few more days passed, and Mr. Adams's family and friends were advertising and making anxious inquiries. The Mayor took a hand, and, with the police, interested himself in tracing the box which had vanished from Colt's room. Some drivers of carts gave information which led to the hold of the ship *Kalamazoo,* lying at the foot of Maiden Lane and taking on a cargo for New Orleans.

The hold was entered; barrels and crates were swung out. There was no difficulty in finding the box. It was opened, and the problem of the missing printer was solved.

The betting was general that it would be impossible to get a conviction against Colt, or to execute the sentence if he were condemned. He was too rich, men said; his family and friends were too wealthy and highly connected. He had still another brother who was a judge, in St. Louis.

However this may have been, Mr. Colt himself was in no condition of power or prosperity. He dwelt obscurely, with his mistress, Caroline Henshaw. His financial condition was precarious: the disputed rent with Wheeler had been ten or fifteen dollars and the debt to Mr. Adams was only about fifty.

When he was tried in the City Hall, in the following January, the State traced the progress of the victim's body from Colt's room to the hold of the *Kalamazoo*. Law Octon, the janitor of the building, a citizen of African ancestry, had seen Colt slide the box downstairs, the morning after the murder. If he had any suspicions at the time, he decided to be discreet. The driver of a wagon told of being employed by Mr. Colt to take the box to the ship. It was addressed to R. P. Gross of St. Louis, in the care of "Mr. Gray, New Orleans."

Who Mr. Gross may have been, for whom this charming surprise was prepared, I have not been able to learn. Had the box arrived at his address the situation would have anticipated that in two of Stevenson's stories: "The Wrong Box" and "The New Arabian Nights."

Mr. Colt's brother, Colonel Samuel, appeared as a witness for the defense, and so did the beautiful Miss Henshaw. The statement that she was beautiful—with black eyes, and hair the color of ripe corn—is made by a modern writer; a contemporary account merely says that "she presented an interesting appearance." Neither of these witnesses could aid him much.

The defense were forced to rely on the pris-

MR. COLT ARGUES WITH HIS PRINTER

oner's own statement, a very long statement, read to the jury by one of his counsel. The killing of Adams was acknowledged, and the justification was self-defense. They had quarrelled over the debt; the printer had accused the author of trying to cheat. Each called the other a liar, and a fight ensued. Adams was getting the best of it, and choking Colt, by twisting his "neck handkerchief." Colt seized a hammer and struck the other on the head. To his fright and horror, the blow was fatal. He did not dare confess; he lost his nerve and tried to conceal the crime.

This story was not well substantiated by the known facts, and was plainly disbelieved by the jury. They found him guilty of murder, and he was sentenced to death. All legal expedients were tried, but without effect.

Now, so great was the public interest in him, and so firm a trust had everyone in his family's influence, that legends began to arise. He was to escape from the Tombs in woman's clothes. The scheme failed. After he was hanged his body was to be delivered to a doctor for resuscitation; the scene of this event was all prepared—in Brooklyn, I believe. This yarn is always popular; it is as old as Tyburn Tree,

and as new as the electric chair at Sing Sing. But all plans, real or imaginary, failed to save Mr. Colt alive.

The day set for the hanging was one to give any newspaper man an apoplectic fit. Three or four sensations developed, in place of one. First, there was the marriage of Colt to Miss Henshaw. This took place in the cell at the Tombs. The Reverend Doctor Anthon, rector of St. Mark's, who was the prisoner's spiritual adviser, read the service. Among those present was John Howard Payne, author of *Home, Sweet Home,* an acquaintance of the condemned man.

After the marriage, Mr. Gaylord Clarke, who seems to have been one of the guests, departed in a cab, and took with him Doctor Anthon and Mr. Payne. They left the clergyman at his home, in St. Mark's Place, and then drove over to Washington Square to call on Colonel Colt, in the University building.

They found this gentleman, naturally very much depressed, and sitting at a table with his hat drawn down over his eyes. The hanging was to take place at four in the afternoon. As they sat there, a cabman rushed up the stairs, shouting:

"Colonel Colt! Your brother has killed himself! Stabbed himself to the heart! And the Tombs is on fire—you can see it from the roof!"

The Colonel thanked God, at the news that his brother had contrived to escape the gallows. Other people came and confirmed the news. Some of these men went up to the roof of the building, and—there being, at that time, no tall structures in the way—they could easily see a wisp of smoke curling up from the cupola of the Tombs. Mr. Clarke wrote:

"There was something peculiar about the air—the atmosphere—on that day. One felt as one feels on a cold autumnal night, while watching . . . the flickering of the aurora borealis in the northern sky. As early as half past three that afternoon, two stars were distinctly visible through the cold thin atmosphere. This was regarded at the time as a remarkable phenomenon."

What had happened was this. After the witnesses had gone and the bride had departed, Colt was left alone in his cell. Somebody had provided him with a knife, and with it he stabbed himself. He was found, an hour or two before the time of execution, lying dead upon his cot. Shortly afterwards, fire broke out

in the cupola of the prison. It did not amount to much, but happening, as it did, so soon after the suicide, it gave color to the story that Colt had really escaped. The fire was part of the plot, said the romantics; the dead body was not Colt's; during the excitement, an escape had been contrived; and the influential murderer had cheated the law, after all.

This story persisted for years, and was a favorite with those who always know a little more than everybody else. One version of it placed Colt in California, ten years later, living with a beautiful yellow-haired lady, and enacting the rôle of Spanish *ranchero*.

It is probably as much a matter of fancy as the stories about the survival of John Wilkes Booth. Doctor Anthon testified as to the death of Colt, and under his supervision the body was buried in St. Mark's. And the clergyman was neither a fool nor a rascal.

III

WHAT DOES A MURDERER LOOK LIKE?

In a reformatory which I once visited the warden made two remarks about the theory of the "criminal type."

"Lombroso," said the warden, "believes that there are certain physical signs of the criminal; and that by observing the facial angle, or measuring the cranium, you can distinguish the man who is predisposed to crime."

He paused, and then continued without the flicker of a smile:

"I will guarantee that every facial characteristic, every measurement of the head which you find among the men in this institution, can be duplicated in the present Legislature of this State."

Disregarding the flippant impulse to suggest that this merely confirms the general impression of Legislatures, it should be said that experiment has proved that the warden's assertion was justified. Take any group of 600 men, give

them the pallor, the cropped head, and the prison clothes, and place them beside 600 convicts. In both groups you would find a few "evil-looking" men; a few noble-looking ones; some, intelligent in appearance, some sly, and some stupid. About the only great difference would be that among the convicts there would probably be a larger percentage of the stupid type.

This is a layman's method. In a scientific manner, Doctor Goring, in the English prisons, made measurements of 3,000 convicts, and then of a great number of students in the universities. All the so-called "stigmata" of the convicts were found among the university students! There were about the same differences in cranial measurements between the graduates of Cambridge and graduates of Oxford, as between the criminals and the law-abiding people.

Some of the famous criminal lawyers, men who have spent their lives in restoring the burglar to his friends and his relations, and saving murderers from punishment, are fond of going about the country preaching that man is a machine, and that the criminal simply cannot help committing crime.

Not one of these gentlemen has explained why the criminal is so much more successful in

resisting criminal impulses in Windsor, Ontario (for example), than directly across the river in Detroit.

"The glands which cause crime" (joyfully believed in by those who take their scientific information from the Sunday supplements) hardly seem to be present in the human body, when that body happens to dwell under the Canadian or the British law! "The glands which cause crime" become mysteriously active in direct proportion to the ease with which the criminal law is cheated in the country where the owner of those glands is living.

Convicts include but few of the "perfect beasts" which one class of sentimentalists imagine; still more is it hard to find among them the capital fellows, who have been cruelly misunderstood and unjustly confined, which another class of sentimentalists seem to think make up the inmates of a prison.

The murderer is a superior type of criminal, according to some of the authorities.

"I have known many murderers whose sentences were commuted," writes Sir Basil Thomson. "I can remember only one—Steinie Morrison—whom I would not trust not to commit a second murder. The rest were always a good

influence in the prison and qualified themselves for positions of trust."

Doubtless this view was shared by the Governor of an American State who recently took two murderers from the State Prison with him on a fishing and hunting trip,—as boatmen and gun-bearers. But I think I read that people in Canada, where the Governor's party travelled, were not wholly pleased. That Governor, I should expect to find, was the kind of person who, as a boy, left loaded revolvers lying about in the house, and considered it rather amusing to do so.

A man who commits murder, says one brand of dogmatist, rarely commits any other crime. This is his only offense. The statement sounds rather well, until one remembers Jesse James, Gerald Chapman, and the great horde of burglars and others who have included murder in their programmes.

You frequently hear it said that all murderers are insane. If not raving lunatics, they are insane at the moment of the crime, and that is why it is useless to punish them. This assertion represents thought at its lowest ebb. I used to believe that it had at least a noble motive behind it; the desire to make a merciful ex-

cuse for sin. But I am coming to agree with William Bolitho that it represents mercy not so often as cowardice; not so much the desire to excuse others as to defend one's self. Most of the folk who have committed murder are not insane; they are "nastily like ourselves," and their dreadful deed only represents something which, under certain circumstances, we might have done. The plea of insanity may be raised to save a guilty man, or it may be only a cry of horror to prove that there is a wide difference between the wicked murderers and ourselves, —virtuous folk that we are!

There are few subjects upon which people are so ready to dogmatize as upon the signs of innocence or of guilt. And few upon which they are so willing to jump to general conclusions from one instance. During the strange manifestations of mob psychology which appeared in the Sacco-Vanzetti agitation, more than one person remarked upon the noble utterances of the condemned men, and argued innocence therefrom. One of the intellectual weeklies was much impressed by their dying speeches, and asked solemnly if these were the words of guilty men.

Well, Carlyle Harris poisoned his young

wife, and took his seat in the electric chair with simple dignity—a neatly turned phrase upon his lips. He quietly asserted his perfect innocence.

Doctor Pritchard, of Glasgow, poisoned his wife and mother-in-law, and tried to save himself by putting the blame upon the sixteen-year-old housemaid. When his public execution took place, he turned with a smile to one of the attending clergy, and impressively thanked him for appearing in full canonicals. Doctor Norman Macleod, the other clergyman, who escorted Pritchard to the gallows, wrote:

"As to his behaviour, . . . no patriot dying for his country, no martyr dying for his faith, could have behaved with greater calmness, dignity, and solemnity! . . . He marched to the scaffold with a deadly pale face but erect head, *as if he marched to the sound of music.*"*

So much for the argument of innocence based on behavior at execution.

And, about the time of the Sacco-Vanzetti affair, there was published in the papers an interview with a newspaper reporter, Charles A. Leigh, who has witnessed eighty executions at the New Jersey State Prison. Every one of the eighty murderers protested his innocence to the last.

*See "Malice Domestic," by William Roughead.

But it is upon looks, upon facial characteristics, that your ready-made criminologist, your reader-of-character-at-a-glance, is most willing to rely.

"Why, *he* doesn't look like a murderer!" say these folk. And they reach for a pen to sign a petition to the governor.

"What, *that* innocent-looking boy?" "*That* sweet-faced woman?" "*That* poor, honest working-man with such appealing eyes?" "Never in the world!"

Their sympathies are enlisted in the prisoner's behalf, and presently they join in calling all the authorities by the harshest of names. Governors, judges, presidents of universities,—all are tyrants and hangmen. To the humanitarians who agitate to procure the release of condemned murderers the world is a black place, full of scheming villains. Figures of pure radiance seem to exist only in the cells of the condemned.

The six persons whose portraits are given herewith were not from the "criminal classes." All except one—Louis Wagner—were apparently good middle- or upper middle-class folk. Major Armstrong was a Master of Arts of Cambridge University, and a solicitor, living in

comfort, and enjoying some social position in a small English, or rather Welsh, town. The Reverend Mr. Richeson had been graduated from a theological seminary, and was the pastor of a church in Cambridge, Mass. Doctor Lamson was an English physician who had occasionally visited in Saratoga and other places in New York.

Ronald True passed as an officer and a gentleman, in both the British and American aviation services during the War. He murdered a prostitute for no apparent reason except to rob her of £8. He was found legally insane; unless he has died, he is still confined in an asylum. The commutation of his sentence was much criticized, and there were those who believed that he fooled the doctors and the law to the end.

Mrs. Thompson seemed to be a perfectly normal person; she suffered the extreme penalty of the law because of the extraordinary letters to her lover, in which she represented herself as trying to poison her husband. When that lover stabbed the husband to death, in her presence, she was held to be a party to the crime.

Louis Wagner was a man in most humble circumstances; an ill-educated fisherman; poor, but no better and apparently no worse than the

LOUIS WAGNER

MRS. THOMPSON

REV. MR. RICHESON

DR. LAMSON

MAJOR ARMSTRONG

RONALD TRUE

average man living among sailors and fishermen on the waterfront of seaport towns. His photograph was taken during his long confinement in prison prior to his execution; I suspect that the photographer, or some kindly jailor, lent the clothes to give him the tidy and almost clerical appearance.

I shall be surprised if some who see these pictures do not fancy that they detect criminal or murderous characteristics in all of the faces. I should be surprised if these same people, if they had been told in the printed captions, that these were not murderers, but the board of directors of some charitable and philanthropic society, did not remark that these were very kindly and pleasant persons. For myself, I can see murder in none of the faces. Yet five of these people committed cruel and atrocious crimes; the victims of Major Armstrong, Doctor Lamson and Mr. Richeson died in agony, after hours of suffering. The victims were a wife; a crippled brother-in-law; and a betrayed and deceived sweetheart,—a girl of nineteen.

Mr. Richeson confessed his crime; the others all protested their innocence, although there is no doubt about their guilt, with the barely possible exception of Mrs. Thompson.

Louis Wagner rowed out from Portsmouth, N. H., to the Isles of Shoals, on a winter's night, surprised three sleeping women, whom he knew to be there alone, and murdered two of them with an axe. The other, who fled in the snow, clad in her nightdress, he hunted, but failed to find. All of them had been his kindly friends. He hoped to find $600 in their house; actually he got about $16. In jail he became sanctimonious, and by means of his innocent appearance, his professions of religious faith, and by blaming the murder upon the woman who escaped, managed to fool a few people, and found a legend of his own innocence,—a legend which lingers to-day in that type of mind which always prefers rumor and gossip to easily ascertainable fact.

During the last day of the Sacco-Vanzetti appeals, the Governor of Massachusetts was made to listen to the ancient rigmarole of Wagner's innocence—a slander on a dead woman and an attempt to whitewash a murderer—advanced as a reason why the Governor should commute the sentence on the two men then awaiting execution.

To Mr. Richeson, the presence on earth of Miss Avis Linnell was an embarrassment. She

was pregnant, and he desired to marry another and a wealthier lady. He gave Miss Linnell cyanide of potassium and she died in torment. He confessed and was executed.

Doctor Lamson had been decorated by Roumania for his services to humanity. To his brother-in-law—a cripple, aged eighteen, the Doctor gave a capsule filled with deadly aconitine remarking: "Here, Percy, you're a swell pill-taker." Percy died.

Major Armstrong must be regarded with mixed emotions. It was for the murder of Mrs. Armstrong that he suffered at the hands of the hangman, but it may be admitted that his wife was an exasperating person. She permitted the Major no wine or alcoholic drink, even refusing for him if he were offered either at a friend's table. Occasionally she would relax this severity and say: "I think you may have a glass of port, Herbert; it will do your cold good." He had to hide his cigar or pipe when she came into view. And, once at a tennis party, she broke into the middle of a set, and commanded him to lay down his racquet, and come home.

"Six o'clock, Herbert; how can you expect punctuality in the servants if the master is late at his meals?"

After this, I can hear tennis players exclaim: "And the law called it murder to poison that woman!"

So I hurry to add (hoping that some of my readers hate afternoon tea as much as I do) that the Major forever pestered another solicitor to come to tea.

He had entertained this brother solicitor on one occasion—after Mrs. Armstrong had been removed by the arsenic method—and given him a hot, buttered scone. The Major selected the scone and handed it to his guest, with the remark, "Please excuse fingers." The guest ate it, and after arriving home, was violently ill. An analysis found that the scone had been prepared with something more than butter. He declined all further invitations to tea at the Major's house and office, although the invitations were frequent and pressing.

Finally, after being called up daily and urged to come, he was forced into taking tea in his own office and bolting it early in the afternoon, so as to have a legitimate excuse for disappointing the Major. All this started him thinking, and it set in train the events that led to the Major's downfall.

There were many neat little packets of ar-

senic in Major Armstrong's possession. He used them to kill dandelions in the lawn. I can see *that* in his face; he would be an implacable foe of dandelions. He made up twenty of these packets; each containing a fatal dose for a dandelion, and this was also a fatal dose for a human being. He used, he said, nineteen of them on the dandelions, one packet was found in his waistcoat pocket,—all ready when he should meet the next dandelion. Mr. Justice Darling, the "humorist" of the English Bench, examined him sedulously about these flowers; just how many there were, where they were, and what happened to each one.

If his were a Sherlock Holmes story, I think the Armstrong case would be called The Adventure of the Twentieth Dandelion.

IV

THE WICKED DUKE

The Duke de Choiseul-Praslin was a magnifico of the reign of Louis Philippe. Bearing one of the famous names of France, this descendant of great soldiers and statesmen left behind, as his own reputation in history, the fact that he was a loathsome beast.

He married into an illustrious family; he was the father of nine children; and he so enraged the people of Paris that, when his end came, his body had to be smuggled into the grave secretly, and at night, to prevent the mob from wreaking upon his corpse the vengeance which they gladly would have visited upon the living man.

This was not an incident of the great French Revolution,—that event was long past when the Duke became notorious. This Choiseul-Praslin was born under Napoleon, and, in 1847, was about forty-two years old. King Louis Philippe had less than a year more to sit upon his shaky throne. And the Duke de Praslin helped to make the throne even more shaky.

The Duke, the Duchess, and their numerous

family, occupied the Château de Vaux-Praslin, near Melun; and, when in Paris, the mansion of the Duchess' father, the Marshal Viscount Sebastiani, in the *rue St. Honoré*. One day in August, 1847, they moved from their country to their town house, intending to stay in Paris for a day or two, on their way to a summer resort.

At half-past four, next morning, people, both inside and outside the Sebastiani residence, heard strange and alarming sounds. Men in the street were astonished at the screams of agony from within; while the Duke's valet, the *valet-de-chambre,* and the Duchess' maid were all aroused by the ringing of their several bells from the Duchess' bedroom.

Charpentier, the Duke's valet, rushed downstairs, and tried to unlock the door of an anteroom, leading to the Duchess' apartment. Against custom, it was bolted inside. He could hear the Duchess shrieking, and could also hear the sound of somebody running about.

With the maid, who had arrived, he hurried around, and tried to enter by another door, and even to kick it down, so terrifying were the sounds which he now heard. This door was also barred. He ran to the garden, and knocked at

the windows of bedroom and boudoir. At last, after trying three of the four doors of the apartment, he came to one which led to an ante-room between the bedroom of the Duke and that of the Duchess. This was open.

The lady's bedroom was entirely dark, but the servant noticed the smell of gun-powder, and of blood. He was frightened and ran back for help. As he crossed the garden, he observed smoke coming from the chimney of the Duke's room, and mentioned this fact to a servant named Merville, who had now joined him. Charpentier found a lamp and a sword, and with these finally entered the Duchess' room.

The Duchess, in her night-dress, covered with blood, lay on the floor, her head against a sofa. Her body had more than forty wounds and scratches, and it is in dispute whether or not she was still living. Mme. Merville, who lifted the Duchess in her arms and tried to restore her with water, thought that death occurred at that moment. The Duchess did not speak, nor give any indication whether she had recognized her murderer.

The room was in a state of confusion, with furniture upset, and every mark of a savage attack and a pitiful attempt to escape,—all, ap-

parently, in complete darkness. The wretched woman had run around and around the room, trying to avoid the blows which were being aimed at her, and also trying to summon help. The wounds indicated two or three different weapons. Blood stains, and marks of blood-stained hands were visible everywhere, but especially on the walls, near the bell-cords, and at the doors. It was plain that the Duchess had found the doors locked against her escape, and that her assailant had struck at her again and again as she was reaching for the bell-cords.

There could not have been much doubt as to the murderer. Drops and smears of blood were visible on the floor—a veritable track—leading from the room of the Duchess to that of the Duke.

That noble personage at last appeared in the room, while the servants were trying to call up enough courage to notify him. He exclaimed:

"Ah! my God! what a misfortune!"

To Mme. Merville, he added:

"Good God! Euphemia, what will become of us?"

He inquired of Charpentier as to who had first entered the room, and what, if anything, the Duchess had said. Being reassured that she

had died without speaking, the Duke broke into further lamentations, with expressions of sorrow for "the poor marshal" and "the poor children."

The Duke de Praslin does not seem to have had the most ordinary qualifications for a successful murderer. Victor Hugo remarked, at the time, that the ferocity of the Duke was explained by his stupidity; he was a beast, and like a beast, ferocious.

The Duke suggested that a doctor and the police be sent for. When the police had arrived, and were setting about to search the rooms of the servants, one of the latter was heard to remark:

"There would be more sense in searching the Duke's room."

Even with all the official disinclination to suspect a Peer of France of such a crime, when the monarchy and titled persons were again becoming unpopular, the police could not disregard facts which were so clear. They did not immediately put the Duke under arrest, but they had him questioned by magistrates, who made no attempt to cover up the truth.

The Duke told these magistrates that he had known of his wife's misfortune before the ser-

vants called him. He had been awakened, he said, by her cries; had taken a pistol, and hurried into her room. There he found her, lying on the floor. He was beginning to offer help, when he heard the servants knocking at the door, so he went and let them in. This statement did not agree, precisely, with the testimony of the servants.

In attending to his wife, he said, he acquired bloodstains on his face, hands and clothing, and, in the excitement of the moment, and also in order not to alarm his children, he had left his pistol behind him, and gone back to his own apartment to wash off the blood.

The magistrates received this politely, but asked the Duke to account for the fragments of a silk-handkerchief, partly burned, and found in the fire-place in his room. They expressed a desire to know why he had had a piece of green cord, such as was used for a bell-cord, tied about him, under his braces, and if there were any connection between this cord and the missing bell-cord, which seemed to have been cut from above the bed of the Duchess. They asked a number of embarrassing questions, of which the most troublesome was about the condition of the pistol, acknowledged to belong to the Duke.

How did it happen that there was blood on the barrel and the ram-rod, and that hair, and a small piece of skin adhered to the butt, as if it had been used to batter the head of the slain woman?

The Duke hung down his head, and held it between his hands. The *Procureur du Roi* urged him to answer frankly, whereupon the Duke said:

"I formally deny having struck Madame de Praslin with that or any other weapon." The condition of the pistol, he added, was a thing he could not explain.

The King hesitated long before he ordered the arrest of de Praslin. And, by the time the law had him in custody, the Duke had contrived to take poison, and was racked by the violent sickness which is caused by arsenic.

As for the motive of the crime, the servants and kinsfolk of the Duke were in no doubt that trouble had existed in the family for many years. The exact cause of this trouble is still obscure.

Mrs. Belloc-Lowndes, in our own time, thinks that the Duchess' state of mind toward her husband was that she "loved him too well,"—was jealous and exacting in her affections, and in-

nocently hounded the Duke into a murderous rage. Her long and melancholy letters to her husband, the pathetic and bitter complaints with which she filled her diary—a curious and typical diary of the period—lend strength to this belief.

The Duke had tried to destroy these letters, and it was on the evidence of motive in them that Louis Philippe signed the order of arrest.

Paris, at the time of the murder, felt little doubt about the cause. It was one more example of the sins of the nobles: there was a woman in the case, and she was the governess, Mlle. Deluzy. This lady was well educated and correct in conduct; she was thirty-five years old, and had the best of reputations. The Duchess had been jealous, but not exactly in the usual sense. Her chief charge against the Duke was a too great fondness for talking and walking with the governess.

The Duchess, like Mrs. Pepys with Deb Willet, had dismissed the governess, some months earlier. And the Duke, like Mr. Pepys, had nevertheless visited her, on the evening of his arrival in Paris,—the night before the murder. It was an innocent visit, however; he was accompanied by three of his daughters and one

son. They took her some gifts from Melun, and Victor Hugo, four or five days later, when everyone was under arrest, noticed, in the window of Mlle. Deluzy's boarding house, the melon, the fruit and the flowers which the ducal family had brought her from the country.

The Duke, under the torments of the arsenic, was examined by the Chancellor, before a committee of the Chamber of Peers. He used his feeble condition as an excuse for refusing to answer many of the questions. He sometimes denied everything; sometimes remained silent in face of direct accusations; and sometimes made statements which were almost admissions of guilt. He energetically denied that Mlle. Deluzy had any part in or knowledge of the murder.

Victor Hugo, who knew him slightly, describes him as a commonplace man, with a very gentle, but "very false" manner. "He has a villainous mouth and a horribly constrained manner." He was a fair, pallid man, "washed-out, like an Englishman" [!] who always seemed about to say something which he never did say.

One week after the murder he died, and was secretly buried. Of course, this led to the usual

rumors that he had been allowed to escape into England. That the murder had been planned, is indicated by a story often repeated verbally, but not printed, I believe, except in Mrs. Belloc-Lowndes' narrative. While the family were at Melun, the Duchess aroused her maid, one night, by her screams. She said that she had had a terrible nightmare: an apparition of the Devil, dressed in bright red, advancing toward her. She screamed and the Devil vanished into the wall.

Later, after both Duke and Duchess were dead, there was found in the Duke's apartment at the Château, a bal-masqué costume of Mephistopheles, all in red, and with a dagger.

Mlle. Deluzy was under arrest for three months. She was rigorously examined by the same high personages who had questioned the Duke. She made to them many long, passionate and sorrowful statements, which sound perfectly sincere. It was at last apparent that she was guiltless of the murder as well as of any kind of misconduct. She had been in a painful position for a long time, since the Duchess was high-strung and perpetually "difficult."

The governess remained: a strange figure, and one whose after life was to be an odd sequel

to the story. Victor Hugo saw her in the prison of the *Conciergerie*—a woman with a low forehead, a turned-up nose, and very light hair. But, said Hugo, she was very pretty.

Nearly thirty years later there was borne up the aisle of a church in New York, the body of a woman who was considered to have been, for twenty years past, one of the most distinguished ladies in that city. Before her coffin, as two of the honorary pall-bearers, walked her venerable friends, William Cullen Bryant and Peter Cooper. Her funeral was attended and her death was mourned by men and women eminent in literature, in society and in religious life. She was buried at Stockbridge, Mass., where her death was lamented for her own sake, and for her connection by marriage with a family held in great honor in America. This lady was the same one whom Victor Hugo saw in imprisonment at the *Conciergerie*.

Mlle. Deluzy, not long after her release, came to New York, where her way was made easy by letters of introduction, and by her own ability. She was, for a time, principal of the Female Art School at the Cooper Union. In 1851 she married the Reverend Henry M. Field,—

one of four distinguished brothers. One of these, Cyrus W. Field, promoted the Atlantic cable; two others were judges,—one being David Dudley Field of the Supreme Court. The Reverend Mr. Field, who was a prolific author, and the editor of a religious paper, was his wife's junior, by some years. They lived in Stockbridge and in New York, and theirs was an entirely happy marriage.

Mrs. Field's career in this country justified the opinion which was finally held of her in her own land. Though she was, apparently, eternally grateful to her husband, it does not appear that she was in any way his inferior in intellect, or in social charm. In private, she always spoke of that extremely dignified clerical gentleman, with great affection, and as "My leettle Henri."

She was able to hold her own with some of her relatives by marriage, who were a little apt to apply to her the treatment now technically known as "high-hatting." I think it was James L. Ford who told of a dinner, or other family function, at which Mrs. Cyrus Field awaited her at the foot of the stairs, with that imperial, ostrich-plumey manner which the matron of that period liked to assume. With overwhelming sweetness, she inquired:

"And is not dear Henry with us this evening?"

"No," replied Mrs. Henry Field, "dear Henry is at home, writing a speech for dear Cyrus to deliver in Europe."

I have been told of those who remembered her with delight, since she retained some Gallic vivacity in the very decorous Presbyterian society in which she moved. How, sitting on the veranda of a country house, of a summer night, she would give herself a vigorous slap and remark, in a stage whisper,—perfectly audible, even to the gentlemen present:—

"Ze mosquitoes, zey *do* bite my laigs!"

And this in the 1860's or 70's, when a lady's legs were supposed to be non-existent. But, says my informant, nobody thought of her with amusement, nor in any way except with great admiration for her culture, for her noble character, her alert mind and her vivid personality.

V

FIVE TIMES CONVICTED OF MURDER

On a night in April, 1909, a woman named Rachel McClurkin stood by the side of a lonely country road in Alabama, and watched her brother ride slowly away. He was going in pursuit of a thief, who, so they thought, had been robbing their corn-mill and cotton-gin. Miss McClurkin had first roused her brother when she heard the sound of a wagon in front of the mill. She lighted a lamp; waited while her brother dressed; and then brought down a coat to be used as a saddle for the mule. Now, as McClurkin rode away, she stood by the road until she could endure the chill no longer, when she went back into the house. As she did so, the clock struck two.

Her brother had not returned at day-break, and the only other member of the household, Ernest Dodgen, the miller, went to the nearest settlement, the little town of Oxford, to make a search. He followed some wagon tracks, which he supposed to be those of the robber,

and observed that they made a sharp turn near the house of one John Body, a negro, and that some cotton-seed had been spilled on the ground. In a cotton-patch, near the home of Body, was lying the corpse of James McClurkin, with his head beaten and crushed. Nearby were a stick of maple-wood, and a large stone, both blood-stained, and evidently the weapons of his murderer.

Four men were quickly arrested on suspicion, and all were put in jail. Two or three of them were certainly negroes; probably all of them were. Against one of these, a full-blooded African, named Ervin Pope, the State decided to proceed; the others were discharged, and except for the appearance of one of them as a witness, they vanish from the case. As Pope was practically without funds, lawyers were appointed by the Court for his defense: a Mr. Sensabaugh, and Mr. Neil P. Sterne of Anniston, a young attorney, and a gentleman of attractive character and personality.

The case against Ervin Pope was this. He owned a farm two miles from McClurkin's mill. On the day before the murder, so it was alleged, he needed cotton-seed for his farm. He went, therefore, in the afternoon, to McClurkin's, os-

tensibly to have some corn ground, but really to look over the premises, and to talk with Alonzo Bradford, a negro boy, who worked at the mill. He found that Bradford slept there, and urged him not to do this. He gave various reasons,—one of them being that "a snake might bite him." When he returned after midnight, on robbery intent, and was filling his wagon with cotton-seed, sorghum-seed, peas and other products, he was driven off by the light in the mill-owner's house. Afterwards, when he was pursued and caught by McClurkin, so the State charged, he murdered his pursuer to avoid arrest for the theft.

Further evidence of this was found in a similarity noticed by Dodgen, a skilled blacksmith, between the footprints of the mule he had followed, and those of a "mouse-colored" mule owned by Pope. Sorghum-seed and peas, similar to those stolen from McClurkin, were found under Pope's lumber pile. In view of the traditional likeness of one pea to its brother, I do not see how the State made much out of this. Of sorghum-seed, I admit I have never taken judicial notice.

Much stronger than all this, however, was the State's contention that Pope had burned a

pair of blood-stained overalls under an iron wash-pot in his back yard, early on the morning of the murder. Moreover, two days after the death of McClurkin, a sheriff and his deputy, searching the premises of Pope, found concealed under the barn a pair of shoes which bore blood-stains and particles of what a physician said was human skin. Two negro boys testified that these shoes belonged to Pope.

Finally, there was some almost direct testimony of the murder from John Body, the negro near whose house the murder was committed. The stick of maple, with which the blows were struck, was taken from Body's wood-pile. That honest farmer had been awakened early in the morning by a quarrel outside his house. He heard the rattle of a chain as some one hitched a mule to a peach-tree; he heard somebody say:

"Ervin, Ervin, I ain't going to do nothing."

Then he heard somebody strike another man "several licks." After this, the striker came into the alley in front of the house, and proceeded to do a strange thing: he took off his shoes, and threw them into the road. Then he unhitched his mule, and went away, leading the mule down the street,—a thoroughfare called by the pleasing name of the Choccolocco Road.

There seems to be something about the presence of a mule at a murder which makes its rider do surprising things. There was the famous Jenny, of New Brunswick, N. J., whose owner lost a moccasin, and returned to a scene of crime and violence to hunt for it; and here is this Alabama tragedy, whose perpetrator deliberately leaves his blood-stained shoes at the scene of the crime. John Body, impressed by the importance of what he had heard, and mindful of the fallibility of human memory, called for pen, ink and paper, and holding a lighted match in one hand, wrote down the name "Ervin Ervin" (twice for good measure) on a piece of paper, which he gave to one John Draper.

Such was the case against Ervin Pope. Public opinion was much aroused and loudly demanded his conviction. His counsellor, Mr. Sterne, remarks that it was his first case. In behalf of the negro prisoner he had for the first time the pleasure of saying:

"Gentlemen of the jury!"

Their response was:

"Guilty as charged, and to be hanged by the neck until dead."

The case was appealed to the Supreme Court, and the verdict was affirmed. On an application

for a re-hearing, however, a new trial was granted, and at this second trial, Mr. Sterne alone represented the prisoner. He decided that Pope's case was desperate, and that "he had just as well risk it without another lawyer." The result was another verdict of guilty, and another sentence of death. Again, however, a rehearing was granted, so that Ervin Pope became the central figure in an unusual situation: twice an appellate court had affirmed his death sentence and twice granted another trial. Mr. Sterne then asked to be relieved, and when his successor, another young attorney, was appointed, told him that:

"I turn Pope over to you just as much alive as when he came into my hands, and it is up to you to deliver Pope to your successor in like good order."

It should be said, to the still further credit of the Alabama courts, that as time went on and as Pope's trials and convictions increased, he had the advantage of lawyers of age and experience. One of his later counsel had been a judge; another became a judge afterwards. The verdicts were always the same: guilty of murder in the first degree. At last he had had five trials; and was five times convicted and sen-

tenced to death. Four times the Supreme Court of the State reversed the verdict, and ordered a new trial. On the fifth and last appeal the judgment was affirmed and the day set for execution. Then, in 1914, an appeal was made to the Governor, for commutation of the sentence to life imprisonment. The appeal was given the most careful consideration by the Governor. He was the Honorable Emmet O'Neal, the son of a man who also had been, in his time, Governor of Alabama. Ex-Governor O'Neal described this case, some years ago, at a meeting of the Alabama State Bar Association.

It is apparent that there must have been grave weaknesses in the case against Pope to make the higher court grant so many reversals, and to have caused the Governor at last to commute the sentence to one of imprisonment for life. The reader will have observed that the only evidence not circumstantial in the case for the State was the testimony of John Body, and that this was both ridiculous and suspicious. Nevertheless, there was aroused, during the five years of litigation, a "hostile, active and aggressive public sentiment" against Pope, which took the form of threats against his attorneys, threats of lynching against the prisoner, peti-

tions signed by thousands, requesting the Governor not to interfere with the sentence, and much abuse of him after he had done so.

It seems to me a most instructive and interesting case, especially for us in the North, where we are too apt, perhaps, to think that there is little justice for a negro in some of the Southern States. Here was a poor and friendless negro, without influence, and under the strongest suspicion of having brutally murdered a respectable white man. Yet attorneys gave their time and best efforts to his defense; the higher courts acted favorably upon his appeals for further consideration; and the Chief Executive leaned backwards to give the convict the benefit of every smallest doubt. Would the law in Northern States have had any more patience than this?

Some of the considerations which probably influenced the Supreme Court and the Governor were these. John Body's testimony was contradicted, in several particulars, by that of Lina Price, a negress, who lived still nearer the scene of the crime, and by that of his mother, Nettie Body. Neither woman heard the cry of "Ervin, Ervin, I ain't going to do nothing." There was nothing unusual in Pope's visit to McClurkin's

mill in the afternoon; it was the best mill, and his coming to it did not argue the dishonest purpose of spying out a place he intended to rob. John Body was himself a highly suspicious person: the defense charged him with the murder. He had been arrested, but was released after the first trial, when he immediately fled the country and never returned.

Upon "the bloody shoes," however, the Governor centred his attention. He consulted with the trial judge, who had presided at all five trials,—but who declined to recommend executive clemency. He asked if any chemical analysis had been made to determine if there really was human blood on the shoes, or if any test had been made to see if the shoes fitted Ervin Pope. So far as the judge knew, both of these simple precautions seemed to have been neglected. This was in 1914,—five years after the murder. So, by the Governor's direction, the State Chemist tested the shoes for blood, after which a boot-and-shoe dealer, accompanied by responsible officials, took them to the jail and tried them on the feet of the convict. The Chemist reported that the lapse of time and the action of tannic acid in the leather had made it impossible to say whether or not the stains were

those of human blood. The shoe-dealer, moreover, found the shoes two sizes too large for Pope, and bearing an unmistakable protuberance which signified a large bunion on the left foot of the owner. Pope had no such bunion. Wherefore, all things being considered, the Governor granted a commutation of sentence.

At the close of the Governor's address to the Bar Association, which was apparently read by some one else in his absence, Mr. Neil Sterne, counsel in the first and second trials, arose, and made a few remarks. They must have been highly diverting to his audience. Whether an attorney with so much courage, good sense and humor has been neglected by the electors of his district and state, I do not know; he ought to be in or on his way to Congress. Mr. Sterne said, among other things:

"Pope was *not* a man of good character. We did not dare to introduce evidence about character, as we did not care to have the State bring in rebutting evidence. He was *not* a man of property, as the Governor said. His farm was mortgaged. The attorney who handled his case at the beginning got $150, but when I came into it, there was only a one-eyed sow, which I was to have for my fee. A mortgagee intervened, however, and I did not even get the sow. . . .

"On the first trial, I endeavored to believe there was doubt of Pope's guilt, and had what I should perhaps call a fraction of a doubt on the subject. By the time of the second trial, however, developments both in and out of the record convinced me of his guilt, and while I did not believe in his innocence, I made a fight that brought to me probably a hundred anonymous letters—the favorite form of expression being that they would cut out my black heart and feed it to the dogs. I stayed in the fight and did all I could for Pope and got his case reversed twice. . . .

"Governor O'Neal says he thought of something no one else ever thought of, and that was to fit Pope's shoes to his feet. Every lawyer in the case thought of that. The first thing we did was to find out whether the shoes would fit, and the next thing we did was to hope the jury wouldn't find it out."

He added that they tried on the shoes in a private room, when no deputy sheriffs were present, and after the test, he said, they were well content to drop the subject of the fit of the shoes. He told the prosecutor that if he asked to have the shoes fitted on Pope in Court, the defense would move for a mistrial in that it was

an improper invasion of the privilege against self-incrimination. Pope lost about forty pounds in weight during the five years he was in prison, so Mr. Sterne had no doubt that the shoes were two sizes too large when they were tried on by the Governor's orders. And although he had no direct information, he felt it reasonable to suppose that Pope had also been cured of his bunion during his imprisonment.

John Body's testimony, said the attorney, was incredible, but his flight did not necessarily imply guilt of the murder. He had been threatened with mob violence, and that was sufficient cause for flight. I am not sure that Mr. Sterne mentioned it, but it seems believable that Body may have been innocent, and still have fabricated parts of his story, in order to make sure of the conviction of Pope, of whose guilt he may well have been convinced. Body knew that he was in a dangerous position, and may have decided that he would aid justice in convicting Pope, even if he had to tell a few whoppers in the process.

After the commutation of the sentence, Mr. Sterne met and talked with a repair-man from the electrical company, who told the lawyer that he was out at his work, repairing wires, at two

o'clock on the morning of the murder of James McClurkin. Coming along the road which the robber was supposed to have taken, he had met Ervin Pope driving his wagon, exactly as the State had contended. The electrician was one of these shy creatures, who did not wish to "get mixed up in a law case," and so had never come forward as a witness.

Mr. Sterne differed with the Governor's reasoning in commuting the sentence, but felt sure that the action, in the face of popular clamor, could only have proceeded from a high sense of justice and an admirable degree of moral courage.

He added that Ervin Pope had himself made a further commutation of his sentence by escaping from prison to complete liberty. Where he is, nobody knows.

The very sagacious and astute may conclude, however, that, wherever he is, he does not now call himself Ervin Pope.*

*See a note about this case, in the Appendix.

VI

FOR THE BORGIA MEDAL, CONNECTICUT PRESENTS—

"What do you think women are?" shouts Mr. Osgood Perkins, in the play, "The Front Page."

He is impersonating the demoniac editor, Walter Burns.

"What do you think women are? Flowers? Take that dame that shot the dentist! And Mrs. Vermilya! Husband comes home, all worn out, hungry, takes a spoonful of soup, and falls dead! Arsenic! And Mrs. Petras! Burning her husband up in a furnace! When you've been in this business as long as I have, you'll know what women are! Murderers! Borgias!"

Two or three times I have listened to these comments upon women, without exactly agreeing, and yet with admiration for this hasty catalogue of Chicago's female practitioners. It is a brave classification and not without basis. I knew Mrs. Vermilya, and her deadly pepperbox, after reading about them in the fascinating pages of a book by the late Edward H. Smith.

The authors of "The Front Page" let Mrs.

Vermilya off easily. Her victims had no such sudden and merciful death, for she was one of a great class of nefarious ladies who have condemned their victims to the long-drawn-out torments of death by arsenic.

Every state in the Union has had them: from the pine-clad hills of Maine to the everglades of Florida,—or, more correctly and less oratorically, from Sarah Jane Robinson of Massachusetts to Mrs. Cordelia Botkin of California. (There's a name for you,—Cordelia Botkin! Doesn't it reek of poisoned chocolate-drops?)

Recently in the Southwest, in Missouri or Arkansas, I think, they have been investigating twenty or thirty deaths which followed upon the visits of a volunteer nurse,—one of those beaming, big-bosomed home-bodies (like Jane Toppan, whom every one called "Dear Aunt Jane") who came to help whenever there was sickness, and whose help invariably led to a call for the undertaker.

Nothing drastic seems ever to have been done to these accommodators,—I think that Mrs. Vermilya escaped without even a prison term. So, in our civilization, which weeps for the murderer, and has no pity for the victim, we can read about these sprightly dames without a

twinge of anguish. When their victims are gone, we brush off our fingers and say:

"Dear, dear!"

Lydia Sherman, called by the newspapers the "Connecticut Borgia," was really a native of New Jersey. She has not received as much attention from writers as some of the others, although her score made her eminent enough in her own time. Briefly, it was:

Husbands—3
Children —8

As she could only be tried for one of these deaths, and as, in our law, no mention of the other deaths could be made, the proceedings did not bring out the whole story. Luckily the incomplete account was supplemented by Mrs. Sherman's own narrative wherein no detail seems lacking.

She was Miss Lydia Danbury of Burlington, N. J. When about nineteen years old, she married Edward Struck, a New York policeman. This was at some time in the 1840's. Officer Struck was a widower, with two children of his own. After seven or eight years of his new married life there were six more children, and they all lived together on Houston Street in New York.

Then tragedy began to pursue the Strucks. First, the policeman died. The symptoms of his illness suggested poisoning, and his widow said that he got up, when the doctor was absent, and took the wrong medicine.

During the next two years her six children died. No one seemed to know why they died, but every one noticed that their ailments did not last long,—it was a matter of days or hours, rather than of weeks.

During the next ten or twelve years the career of Mrs. Struck was involved with a rather large number of middle-aged or elderly gentlemen who were usually described as being "comfortably off" or "well fixed." Some of them were widowers, with children; some were bachelors. By some of them she was employed as house-keeper; by others she was entreated into the honorable estate of matrimony. Some of these gentlemen—notably the ones who did not venture to wed the lady—escaped with their lives. Her husbands, generally speaking, were not so fortunate.

The first time that Mrs. Struck changed her name, was in favor of a man named Hurlbut, —he was called "Old Hurlbut." He was both a farmer and a fisherman, and had evidently

prospered ashore and at sea, as he owned land, and also $10,000 in cash.

One day, shortly after he had made his will (in Lydia's favor), the state of his health demanded a physician. Old Hurlbut was suffering considerable discomfort, and a consultation of doctors was thought necessary. Before any decision could be reached, however, it became a question merely of academic interest, since Mr. Hurlbut was dead.

As in many poisoning cases, the fact that no suspicion had been aroused prevented any satisfactory diagnosis. If Mrs. Hurlbut told the truth in a statement at a later date, and I am inclined to think she did, her elderly husband had been indulging his appetite with some curious mixtures, and consequently that old enemy of old gentlemen—acute indigestion—was probably held to blame.

The town of Huntington, where this doleful event took place, seems to have been in Connecticut, to which State the desirable widow, Mrs. Struck-Hurlbut, had removed.

She continued to cast her siren spell and bewitch the hearts of men, and the next person upon the list was another upright widower. This one had four children of his own; he was

a skilled mechanic, "much loved for his genial spirits."

He lived at, or near, the town of Derby; and as he was the last of her husbands, had the privilege of giving her the name under which she rose to celebrity. He was Nelson H. Sherman, and it was as Lydia Sherman that our heroine was known to the American public.

In a few months two of Mr. Sherman's children had died, and there were serious differences between the husband and wife. Mr. Sherman would depart for New Haven, with a few friends, and stay there for a week. He seems to have neglected the cultural opportunities of that city, and he was once, I regret to learn, "found in a den with low people."

Painful as it is to say such a thing, it would probably have been better for Mr. Sherman to have stayed in the den, no matter how low its people. The food at home seemed not to agree with him. Even when he was at home, and working at the factory, he was depressed in spirits and would not come home for his meals. Mrs. Sherman failed not in her wifely attentions, but persisted in sending his meals to the factory for him.

One night he came home and was greeted by

THE DOCTOR ASKS MRS. SHERMAN A FEW QUESTIONS

his wife with the customary affectionate kiss. Then she mixed his "usual evening beverage" which was described as a "sling."

Mr. Sherman drank it, and died two days later, "suffering dreadful agonies." The doctors, this time, were overcome by suspicion, and they called upon some of the professors at New Haven for an analysis. The learned men of New Haven were kept busy throughout this decade (it was in the early 70's) peering at suspected internal organs. This time they found in merely one-third of the liver of Mr. Sherman enough arsenic to kill three men.

Mrs. Sherman had discreetly retired to New Jersey, but she was arrested and put on trial in New Haven. The judge kindly pointed out to the jury that they could find her guilty of murder in the second degree, and this they did, after deliberating for fifty minutes. Mrs. Sherman was sentenced to prison for life. I do not know how long was the term which she actually served.

Her confession, made while in the County Jail awaiting sentence, is a strange document.

Her first husband, Policeman Struck, so she said, was dismissed from the force for cowardice. He was also "acting very badly," and

so, on the advice of a police sergeant, she put some arsenic in his gruel.

In the following July she made up her mind that two of her children would be "better off" if they were out of the way. She does not advance her reasons, but she gave little Mary Ann and Edward "some of the same kind of gruel their father had eaten."

Her son, George, had painters' colic, and she became "discouraged," and put arsenic in his tea. Ann Eliza had chills and fever, and her mother removed Ann Eliza. Her daughter Lydia, however, died a natural death.

As for her second husband, Old Hurlbut, he was subject to "fits of dizziness." He may well have been, for he used to eat clams and drink cider with saleratus in it. After one of these orgies he died, and Mrs. Sherman denied all responsibility, except to admit shyly that some arsenic may have slipped into the saleratus.

The third husband, Mr. Sherman, said his widow, was an irritating person. He drank immoderately and borrowed money from his wife without returning it. Moreover, he expressed a wish that little Franky would die. Now it was never necessary to labor a point like that with Mrs. Sherman. There was some arsenic

in the house (for the rats—classic recipients of all arsenic)—and Franky was soon dead.

It is not altogether clear why Ada, who was fifteen, should have been poisoned. We know, however, from the confession, that a "brandy sling" was prepared for Ada, and that Mr. Sherman came home unexpectedly and drank it.

"I could not keep a drop for Ada," writes the exasperated wife.

The sling only made her husband ill; so a cup of tea was prepared for Ada—and administered —while at a later date another sling was given, with great success, to Mr. Sherman.

Mrs. Sherman had also experimented with chocolate, but she reported in favor of tea or brandy slings.

Arsenic blended satisfactorily with either of these drinks, and was taken down, especially in brandy, with hearty enjoyment.

"I did not mean to kill Mr. Sherman," wrote his widow. "I only wanted to make him sick of liquor."

Her motives, you see, in the case of her third husband, were noble, and she was merely anticipating a temperance reform later practised by officials of the Prohibition department of the Government.

VII

WHAT MAKES A GOOD MURDER?

The amateur collector of murders is a much more discriminating person than the chance observer understands. He is often a determined antiquarian and reactionary; when any new murder comes out he bends his attention toward an old one. From the crude performance of the super-bandit of the present year, he turns again to consider Sir Edmund Berry Godfrey, found, in 1678, transfixed by a sword, and he ponders once more the significance of the drops of wax discovered on Sir Edmund's clothes.

Or, disgusted by the blatant taste of the Chicago school of murderers, he returns to the first murder of all, that Cain-Abel affair. He prefers his murders to be mellowed by time; to possess the rich bloom of age. There is an especially exacting murder-fancier—and nobody who knows him questions his perfect taste—who refuses to add to his collection any specimen of a later year than 1815. For him, as for Mr. Bunthorne, art stopped short in the cultivated court of the Empress Josephine.

This, however, is really finical. Style, not time nor place, is the thing to be considered. The essentials were firmly established in De Quincey's great essay on murder, which everybody quotes and nobody reads. But for any one attempting to discuss a book about murders, some acquaintance with De Quincey's essay is necessary.

The first section of this masterpiece appeared in 1827. Let's get its title correctly quoted: it is called "On Murder Considered as one of the Fine Arts." Twelve years later, in 1839, came out the "Supplementary Paper" on the same subject, while as late as 1854, De Quincey added the final postscript, with its narratives of the Williams and the M'Kean murders—two examples of sombre prose which have been the despair of all writers on this subject.

This trilogy should be studied, not only by the historians of actual murders, but by the writers of detective novels. Many of these gentlemen and ladies seem determined to rob the homicides of which they write of all possible interest.

This failure to recognize the elementary principles of an attractive murder is characteristic of many who should be better informed. Not

long ago I happened to sit at luncheon opposite the editor of a literary review who is also a teacher at Yale. Turning his sardonic eye upon me, he mentioned some vulgar slaughter which had been filling the newspapers for two days, and remarked, pityingly:

"I suppose *you* are right in your element with this!"

The poor creature had never read what De Quincey wrote, over a century before: ". . . as to old women, and the mob of newspaper readers, they are pleased with anything, provided it is bloody enough. But the mind of sensibility requires something more."

De Quincey's first precept is that "something more goes into the composition of a fine murder than two blockheads to kill and be killed—a knife—a purse—and a dark lane." Here at the start we have ruled out from the class of first-rate murders—and, I think, justly ruled out—most of the killings by crooks, "bad-men," bandits of all degrees and all the light-hearted slayings of night-watchmen and police officers by burglars and thieves.

Gerald Chapman's crime was the coldly casual removal of an obstacle between himself and his liberty; he murdered as another man might

stamp on a beetle. And although his trial had some points of interest, he and his kind do not belong in the gallery of murderers who are coveted by the collector.

This may also be said of the person who commits a political assassination. It is a stroke of state; ill-advised and most reprehensible, it is true, but of no interest to the amateur. Usually the practitioner (De Quincey's word) is not even acquainted with his victim, so that the deed has about it a flavor of unpardonable familiarity. Charlotte Corday saw this clearly and tried to make some pretence to the social decencies by sending in her card, and after she was admitted, engaging Marat in light conversation. There was also the intimate touch that the statesman was in his bath. This, however, is the only political assassination, so far as I remember, which had even those engaging features. Besides, in the assassination there is the graver fault that your victim is already famous, so what becomes of the artist's work of creation? It is too much like those absurd plays in which Napoleon, George Washington and Marie Antoinette are all on the stage at once.

I have heard an ingenious argument made in favor of political murders in which the subject

is obscure, or only a minor celebrity. This would probably include Doctor Cronin, whose death convulsed this country about forty years ago. His murder, in Chicago, was magniloquently described by its historian as "The Crime of the Century," but anybody with the faintest knowledge of Chicago will remember that that city has a Crime of the Century every four or five years,—and is, moreover, intensely jealous and sensitive about the claims of other cities to any superior kind of murder. Doctor Cronin was said to have offended the Clan-na-Gael by revealing its secrets, but it is hard to say what he had done. It was one of those murders over which men nod their heads and look portentous and intimate that "everything hasn't come out yet."

To be the participant either active or passive, in a murder, for revealing the pass-word and signals of a secret society, is most futile. I have belonged to only one secret society, and I am still bound, I suppose, by a number of blistering oaths not to utter its mysteries. But if I became filled with desire to experience the awful joy of making them known, and to involve the brethren in the duty instantly to exterminate me, I should be put to the gravest inconvenience,

because I cannot possibly remember what the secrets are.

There was once a person, an Italian, I think, who did give a certain distinction to the regrettable habit of the murder of total strangers. His bizarre practice has been described by Mr. Arthur Train. He called himself The Bravest Man —just that, without any qualification of time or place, and the way he proved his title was to go forth on the street, now and then, and shoot a man. His method of selection, if he had any, is not related; probably it was first come, first served. It may be that he obeyed De Quincey's dictum that the victim of a murder ought to be in good health, since it is barbarous to kill anybody who is weak or of a sickly disposition.

It may, perhaps, become tedious to go on ruling out this and that class of murder, insisting that these are not good murders,—not desirable specimens for the collector. Yet, with diffidence, even with a good deal of timidity, I must suggest that one eminent brand of murder is usually not of the very first value to the specialist. This is called, with little accuracy, the *crime passionnel,* with even less accuracy, the sex-murder. Such a statement not only evokes cries of protest, but calls down upon one's head

the most disgraceful of all epithets: that of Puritan. If you do not wish to read about sex at breakfast, luncheon and dinner, and to discuss it, or hear it discussed in the theatre in the evening, you have failed, of course, in your daily obligation to throw a stone at Queen Victoria. But your true collectors of murders do not welcome the sex-murder with the same enthusiasm with which they greet one committed, let us say, for an inheritance.

There are other reasons. One is that the themes of love and jealousy are such great themes that, when they enter a plot, they may swamp everything else. Another reason is not at all a moral one: the murder which is not connected with sex is often the most interesting, because it is the most wicked. Only great criminals rise to the heights of a coolly planned murder of a friend or relative for gain; any weak man or woman of us may go off the handle, and kill some one because of hatred arising from the relations of the sexes. England's most atrocious criminal of our time certainly had a way with women, since he induced five or six of them to marry him. But he never let these successes blind him to his real objects, which were pounds, shillings and pence. He was a pet child of the

Devil because he thrice committed murder, not for the hot passion of love, but for the colder one of avarice.

There are exceptions and they are brilliant. When Miss Madeleine Smith of Glasgow decided to abolish her socially inconvenient lover, she set about it with the apparent gentleness of the dove, but with the wisdom of seven vipers. There was not the slightest flavor of poison in the cups of cocoa which she handed, with many endearments, to the adoring young man as he stood outside her window. Had she pulverized his skull with a club, her name would long ago have perished. It lives because of the sweet subtlety of her methods, and because of Miss Madeleine's charming appearance in Court, her lavender gloves and her pretty feet and ankles —which were still a treat in those days, even to Scottish judges.

The good murder, the really desirable performance, beloved by the collector, is committed not by an habitual criminal, but by some one of blameless life. The higher his social status, the wider his learning, the more noticeable the odor of sanctity in which he has lived, the more interesting the crime. Interesting, because unaccountable. De Quincey demands mystery and

he is right, for there is little charm when the murder is done in public, nor when a confession comes too soon.

He decries the works of the poisoner, which is unexplainable, for of all sly deviltry, the art of the poisoner is unsurpassed. On the other hand, a murder may be savage in its execution, yet possess so much of the element of terror, and be so cunningly planned, as to deserve the most respectful attention of the enthusiastic collector.

The victim of the good murder is not a complete stranger, nor a passing acquaintance, but preferably some one near and it may be even dear to the murderer. The act is not the result of a sudden whim, but is coolly and thoughtfully arranged; the ground is well laid in advance. Weakness and remorse, hysteria and confessions,—the ideal practitioner does not indulge in these. If he can keep his head, if he does not talk, and if he is remorseless, human society, it has been said, is at his mercy. There have been murderers so equipped, but they have usually tried to repeat their successes too many times.

Occasionally the murder is all but perfect in every detail; sometimes it is notable only for a

bit of light or shade. The perfect murder is, of course, quite unattainable, and the recent endeavor to achieve it ended in one of the worst and most pitiful of failures. Contrast the slump of the two Chicago neurotics with cool little Miss Constance Kent, of the despised Victorian age. She made her plans alone and with care; she carried them out in the dark of a summer night, and when her half-brother was found with his throat cut, there were no weak-kneed confessions from her! Not until religion worked upon her conscience, five years later, did she tell what had happened that night and even then there was no whining plea for mercy in the name of Freud and Nietszche and the distorted psyche. Modernism likes to dance but not to pay,—it prefers to hire an alienist to help cheat the piper of his fee.

We cannot always expect to discover murderesses like Constance Kent. Neither can we often find a scene so perfect as that quiet house in the humdrum street in Fall River, apparently asleep in the sunshine. Outside one hears the drone of the August insects in the trees, and perhaps the distant whirring of the cotton mills. Inside, a ghastly business is going forward: the contrast is as strange as any I know.

But there are murders which possess some fantastic detail,—a trifle perhaps, but sufficient to give them value. There was the Reverend Mr. Richeson's cynical remark as he bought the poison; Mr. Elwell's forty glossy brown wigs; and Mrs. Bravo's liberal ideas of the proper amount of wine for another lady and herself at dinner.

And of all places in the world for quiet meditation, and for the fear of God and man to envelop the human soul, there was that early summer morning at the corner of Forty-second Street and Sixth Avenue, as Jack Rose sat on the steps of Bridgie Webber's poker joint and felt terror come over him for the past night's work. Rosenthal was dead, and the "big cop," Becker, had promised them that it would be all right. But the lamps were out in the streets and the hard light of dawn made everything seem cold and unsympathetic.

"To croak a guy" was not so casual a thing as it had been the night before, and the gambler was rather sick.

Perhaps—unpleasant thought—the law was not a joke after all!

VIII

THE TICHBORNE CASE

Not far from Winchester, in England, there has lived for centuries—since before William the Conqueror—a very respectable, pious, extremely wealthy, and rather stupid family named Tichborne. It is strange to reflect that, except for their local power and celebrity, these lords of the manor contrived to remain obscure for a thousand years. It is much stranger to realize that through the headstrong act of the wife of one of them, aided by a few outside rascals and a great many self-deluded folk, the family suddenly achieved world-wide notoriety, furnished a story to go rumbling through lawbooks forever, made Dickens' great suit of Jarndyce *vs.* Jarndyce grow pale by comparison,—and then lapsed once more into complete obscurity.

Eighty years ago there was a young member of the family called Roger Charles Doughty Tichborne. He was, it seemed, a long way from the chieftainship of his clan; there were many uncles and cousins between him and the baro-

netcy and the rent-roll of £20,000 a year. He was a slim, dark-haired, melancholy youth; the subject of quarrels between his father and mother; derided by the other officers of his regiment; shy, awkward, and unfortunate in his only love-affair. His mother, the *radix malorum,* was half a Frenchwoman, but wholly a trouble-maker. Her son had been born in Paris, and brought up as a French boy, speaking French as his native language, and still, at the age of twenty, pronouncing English with a marked French accent. His mother hated everything English, and determined that Roger should be French. There was little chance then that her husband would ever be the head of the house. He was Mr. James Tichborne, a younger son, and would probably so remain.

This gentleman, however, decided that his son Roger should become and remain an Englishman. With a family funeral as a pretext, he brought his son (then sixteen) to England, and clapped him into a Jesuit seminary. The Tichbornes were of the Church of Rome. Mrs. Tichborne raged in fury; she was still raging when, after three years of instruction by the Jesuit fathers, Roger entered the English Army, as an officer of Dragoon Guards. It is pre-

sumed that he did not have all the qualifications for that popular mystery, known to the world as a heavy Dragoon. He was neither happy nor especially successful as a cavalry officer. But he had the uniform, and it has been effectively said that, with such adornment, a lover's professions are eloquent everywhere.

Roger's cousin, Miss Catherine Doughty, liked him, and together they walked in the wooded paths of Tichborne Park. Their attachment was innocent, and altogether idyllic, until the girl's parents assumed melodramatic rôles. They forbade a betrothal; first, because Roger was a cousin. The Pope could set that bar aside, it is true, but the Pope could not alter two facts which greatly horrified Miss Doughty's mother: Roger smoked tobacco, and read the novels of Paul de Kock.

This was all but the last of Roger's misfortunes. He parted from his pretty cousin in sorrow, and gave her a letter in which he promised that if happier times should ever come, and they should be married, he would build, as a thanks offering, a chapel to the Virgin.

He had left the Army in disgust. There was one thing, however, which he could do, and that was to travel. He sailed to Valparaiso, and

crossed to Buenos Ayres. From this place, in 1854, he sailed on a ship called the *Bella,* bound for Jamaica, and thence to New York. Neither the ship, nor any one aboard her, has ever been seen again. One of her boats, and bits of wreckage, were discovered a few days after the departure. Everybody on board had perished, and Roger Tichborne's unlucky life was ended. Changes had already come in his prospects: as in the melodramas, uncles and cousins had been dying, and had he lived to return, in eight years he would have been Sir Roger Tichborne, master of all those lands, so broad and fair. As it was, Roger's younger brother succeeded to the title, and then an infant nephew. Miss Catherine married somebody else, whose own fortunes finally made her Lady Radcliffe.

Roger's will was probated and executed; the insurance was paid on the *Bella,* and the families of her crew were compensated by the owners. Nobody on earth doubted that Roger Tichborne was dead, nobody but one person: his mother. The Dowager Lady Tichborne, actuated by what some called by a fine name, but which was really the working of an iron determination which had never known reason, insisted—also as in a melodrama—on discover-

ing the Lost Heir of Tichborne. She left a lamp burning in the Hall to guide his faltering steps aright; she interviewed wandering sailors, and wrote to strangers. She advertised for her son, in many lands and tongues, and especially in the English colonies. Now, there is one kind of advertisement which never goes unanswered, and that is one for a claimant to an estate worth one hundred thousand dollars a year.

News came; answers to the advertisements and presently letters from Australia,—from Wagga Wagga. It was over twelve years since Roger had shipped on the *Bella,* or written to his mother, but now he began to address her from Australia. He had been saved from the ship-wreck, it seemed, and suffered many vicissitudes. Strange and unaccountable things had happened to him. Lady Tichborne was not critical; it was remarked of her that she would have accepted an Egyptian mummy, if one had been shipped, as her long lost son. She might have inquired how Roger's letter-writing style had undergone such a change. In his South American days his letters were a little odd, but in the manner of an educated man. The Australian Roger was only semi-literate; he used such forms as "truble"; "has" for "as"; "fue" for "few"; and "unnesersery."

He apologized for the slight interruption in their correspondence—it was between twelve and thirteen years—and recalled himself to his mother by the "brown mark" on his side, and "The Card Case at Brighton." No one knew what these were, but Lady Tichborne was delighted. In one of the letters, in order to end with an appropriate blessing from a son of the Church, he expressed the hope, "May the Blessed Maria have mersy on your soul,"—phraseology certainly strange from a Roman Catholic, or indeed, from anybody at all.

There was an exchange of letters, and much forwarding of money to insure the return of this jewel to his own country and his estates. Finally, after a year and a half, he came home, via Panama and New York, and England understood that the lost had been found, that Sir Roger Tichborne was preparing to assume charge; and to oust the infant Baronet and his trustees. Except for the Dowager, the family seemed able to restrain their expressions of joy. The wanderer was accompanied by an old Tichborne servant, from whom he had picked up much useful information. It was indeed romantic, the ship-wrecked boy was home again, having dropped all his "h's" in the Australian

bush. The missing Roger was five feet eight, narrow-chested, thin and wiry, with dark hair, and the manners of a gentleman. This man was five feet ten; blond, with coarse features. He weighed 280 pounds, and this rapidly increased to about 350 pounds.

As a matter of fact, he was a former butcher of Wapping; his name, (although it was years before this could definitely be established) was Arthur Orton. He had been in South America, and had long lived in Australia, chiefly under the name of Thomas Castro. In his youth at Wapping he had appropriately been known as "Bullocky" Orton. For the next eight years (beginning in 1866) this enormous fat man was one of the most famous personages in Britain; current literature, the newspapers, the music-halls, abounded with references to "The Claimant." To his faithful believers he was, of course, "Sir Roger." I have opened a volume of *Punch,* at random, for one of these years, and the first picture I found was a cartoon by Tenniel, showing the gigantic Tichborne Claimant astride the shoulders of John Bull, like the Old Man of the Sea.

It is interesting to consider what could have been the strength of the case that kept him go-

ing so long; that made thousands of people subscribe to his cause—for he became a sort of joint-stock company—that won support and even loans of large sums from members of both Houses of Parliament. To this day there can probably be found, here and there in Britain, folk who believe that the Claimant was deprived of "his rights." Only a week ago I read a book-review, by an American writer, who seemed to believe that there was "something" in Orton's claim. Many from the lower classes in England supported him, on the ground that he was "one of us"; although, of course, if his claim were just he was not "one of us" at all, but a millionaire of ancient lineage.

First, then, there was the recognition by the Dowager. This was a strong argument to those who knew nothing about her, but sentimentally trusted in the belief that "a mother can never mistake her own son." The recognition took place on a dark afternoon, in a dark room in a Parisian hotel. The Claimant lay on a bed, his clothes on, and his face turned to the wall. He never turned toward her, and never spoke. She approached and kissed him, saying: "He looks like his father and his ears are like his uncle's." After that she supported him, morally and

financially, and lived with him for the few remaining years of her life. She died before the first of the great suits at law which resulted from his claims.

Next, there seems to have been some agreement that there was, in this fat man's countenance, a resemblance not especially to Roger, but to some of the men of the Tichborne family. This was not noticed by every one, but it was discoverable to a few. It has never been explained. It does not appear in portraits, and it can probably be attributed to mere chance.

The Claimant's knowledge of Roger's early life, of his family and homes, was at first grotesquely inaccurate. As the years went by, and he had more and more chance to acquire information, it became less absurd, but it was never satisfactory to an unbiased mind.

Finally, however, it should be said that a large number of persons of all stations of life, servants, family friends, troopers and officers in Roger's old regiment, came upon the witness-stand and took oath that the Claimant was, in truth, Roger Tichborne. Many of these changed their minds, and fell away from him after the revelations of the first trial, but some were faithful to the end. Their testimony is ex-

plained in various ways: some of them were simple perjurers and were proven to be such; many were honest, credulous folk, who had been led into the Claimant's presence, told they were to meet Roger, and saw what they were ready to see. They had been impressed by his mother's recognition; and their judgment was completely overcome when the Claimant mentioned some small incident of the old days,—something in which he had been coached by his mother's retainers. Psychological suggestion did the rest, and these witnesses joined the procession at his coat-tails.

Such, briefly, was the case for the Claimant. The case against him was not only overwhelming, but it is especially interesting as an illustration of the value of circumstantial evidence, which so many people distrust merely because they do not really know what it is. The evidence of Orton's witnesses was direct evidence, which is popularly supposed to be convincing.

Roger Tichborne, up to sixteen years, was a French boy, speaking and writing French. The Claimant knew not a word of the language; he could not pronounce nor spell simple French names, and he entered his supposed mother's name in a legal document as "Hannah Frances."

It really was Henriette Felicité, and when he learned this fact he pronounced the second name as *Felecеet*. Of the first sixteen years of Roger's life, the Claimant knew nothing; he said that he was an enlisted man in the Army, when really he was an officer. Imagine a former officer forgetting that fact!

He had forgotten his amusements, his books and his games. Roger had read Cæsar; the Claimant did not know if Cæsar was a Greek or a Latin writer. Roger had studied Euclid; the Claimant was sure this had nothing to do with mathematics; he took a reference to the *Pons Asinorum* as a personal insult, but finally thought it was a bridge near the seminary where he lived for three years. The Claimant's first act, on returning to England, had not been to hunt up the Tichbornes, but to go secretly to Wapping and make inquiries for the Ortons. Members of the Orton family appeared in Court, by the way, and positively identified the Claimant as their brother, Arthur.

The sealed letter, given by Roger to his cousin Catharine, and pledging a chapel to the Virgin, was made the subject of inquiry to the Claimant. Did he know its contents? After much hesitation he said it referred to the fact

that he had seduced his cousin, and rendered her pregnant. The letter was produced, and proved the Claimant a very ungentlemanly kind of liar. Finally, Roger Tichborne had been tattooed on the arm, with an anchor, a heart, a cross, and the letters R. C. T. All that the Claimant was able to show, in tattoo marks, were the partly obliterated letters A. O.,—Arthur Orton.

The first trial was a civil one; a suit in ejectment, in which the Claimant sought to establish himself as proprietor of the Tichborne estates. The trial lasted 102 court days, with long recesses; the cross-examination of the Claimant lasted twenty-two days. Only then, five years after the first emergence from Australia, did the average Englishman get any clear idea of the case, or of how preposterous were Orton's claims. The evidence about the tattoo marks finally made the jury call a halt. The Claimant was non-suited, and arrested for perjury.

A year or more later, Orton went on trial on this charge. An especially long-winded and exasperating Irish lawyer, named Doctor Kenealy, was his counsel. The presence in the Court of this gentleman was one reason why the second trial lasted for 188 court days. The Lord Chief Justice was not the least of the of-

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fenders; at the close he summed up for twenty days! But Doctor Kenealy proceeded on the theory that he was justified in tearing everything to pieces if he could save his client. He varied between outrageous slanders against everybody who opposed Orton, and the most tedious discussions of everything beneath the sun, relevant and wildly irrelevant. He had the Court cleared of ladies, while he read for hours from the novels of Paul de Kock. His opening speech lasted for twenty-one days; judges and lawyers abandoned themselves to their fate. One of them put it in verse:

Of virtue, science, letters, truth,
They talked till all was blue;
Of Paul de Kock, the bane of youth,
Of Bamfield Moore Carew.

If fools are oftener fat or thin;
Which first forget their tongue;
Why all tobacco mixed with gin,
Is poison to the young.

Lewis Carroll's "Hunting of the Snark" appeared a few years after the close of the Tichborne trial, and dull folk who always search for an allegory insisted that the poem was a burlesque on the great law-suit. They may have

found some excuse for their mistake in Henry Holiday's illustrations. If you open your copy of the poem at the picture, "To pursue it with forks and hope," you will see, marching next to the Beaver, an excellent presentment of Doctor Kenealy—complete in wig and gown, spectacles and fuzzy whiskers.

At last the Doctor ceased to bicker and to declaim, the jury listened to the long charge of the Lord Chief Justice, and it took them only thirty minutes to find Orton guilty of wilful and corrupt perjury.

Orton went to prison for fourteen years; his good behavior reduced this sentence to less than eleven years. On his release, he began his campaign once more, but he was reduced to speaking in cheap music halls. Finally, he published a signed confession, in which he described the entire fraud. His first purpose was merely to get Lady Tichborne to send him some money, with which he planned to go from Australia to America. Once in England, and—to his great astonishment—once recognized by his "mother," he was in the grasp of circumstances, and could never retreat. At times, when so many folk were insisting that he was the missing Baronet, he felt as if this must be true, and

became virtuously indignant toward those who were depriving him of his rights.

His few followers in England took some consolation in the fact that he later retracted this confession, and said that he was forced to make it in order to relieve his poverty. His funeral, in 1898, was rather an impressive ceremony,—all the more because the coffin was solemnly inscribed with the name: "Sir Roger Charles Doughty Tichborne."

IX

A YOUNG LADY NAMED PERKINS

The strange career of Miss Josephine Amelia Perkins, and her propensity for stealing horses, is explained by an incident of her youth. The only daughter of a gentleman in Devonshire, she was sent, when a young girl, to attend a riding-school. Thus, her father was really to blame for all that followed, since Miss Josephine soon excelled every other pupil in the art of horsemanship, and what was of more fatal importance, she acquired what she later called "my present extravagant *fondness* for those *noble* animals."

There you have it. She could not help herself. If she so much as looked at a horse, especially a very good horse, she simply had to jump on him and ride away. Sometimes she had to look around for a saddle,—and, of course, for a side-saddle, since, thank Heaven, she understood propriety. Once, she had to hunt for nearly twenty-four hours, but she found the right saddle, and then came back, by night, and got the horse.

A parallel character in literature is Mr. Toad, in "The Wind in the Willows." He had a passion for motor-cars, and when he saw a fine one, standing in an inn-yard, wondered if it *started* easily. In another moment he was at the wheel, and in another, humming down the highway. But with no notion of *stealing* a car, mind you.

The clumsy criminologists of Miss Perkins' day did not understand that she had what is now known as the *Centaur fixation,* the *equus complex.* It makes you steal horses,—but only horses. A cow was perfectly safe with Josephine Perkins. The sheriffs and judges who were forever persecuting her do not seem to have noticed that significant fact. She analyzed her own psychic peculiarities with discernment, when she wrote:

"Ever since I discovered my natural and ungovernable attachment to animals of the horse kind, I never have been without my fears that the attachment would ultimately prove my overthrow."

It cannot be too emphatically stated that horse-stealing was her only weakness. Aside from a few instances of burglary and sneak-thievery, one or two swindling episodes, and a long campaign of artistic falsehood and impos-

ture (entered into for a very definite object, however) the character of Miss Perkins was, virtually, spotless.

At the age of seventeen, and while living with her father in Devonshire, she had the misfortune to meet a young man "of genteel appearance," who was a purser in the Navy. His courtship was not approved by her father, and an elopement was planned. Josephine was to possess herself of one of her father's fleetest and best horses; ride to Portsmouth; and join her lover on his ship, as it sailed for the North American Station. She was to go aboard "disguised as a male," and in the capacity of a volunteer seaman.

It involved riding 117 miles in less than twenty-four hours, but to one of the Perkinses of Devonshire there was nothing in the thought to cause an instant's hesitation. She was pursued by her father and uncle, but they rode in vain. She had known which horse to select from her father's stable. At Portsmouth, however, grief awaited: her lover's ship had already sailed. She could not go back, and, as resolution was never wanting to her character, she sold the horse, and embarked on another ship for St. John's, intending to proceed to Quebec.

The perils of the deep encompassed her about; the ship was wrecked and had to be abandoned, and at last Miss Perkins found herself in Wilmington, N. C. She was nearly destitute, and in great despair for a few days. Then, near the village of Washington, in the same state, she happened upon a fine horse, in a pasture. She marked down his stable, and at night rode him away. She did not know the country, however, and the horse knew it too well; he took her in a circle, and at morning brought her back to Washington, and face to face with the owner. She convinced the magistrate, in this case, that the ride was taken merely "to gratify a whimsical notion"—so her discharge was immediate.

In South Carolina, her luck was hardly better. Here she turned over a stolen horse to a jockey, who sold him for $57, giving her two-thirds of the proceeds. Miss Perkins was nevertheless captured and brought to trial, but enthusiastically acquitted on the ground of insanity. She resolved to leave the Carolinas, and go to Kentucky, of which she had heard the most favorable accounts.

The state of Kentucky fascinated her. The countryside, the trees, the flowers were all beyond compare. Especially celestial in the sight

of the young lady was the Kentuckians' "noble breed of fleet and well-fed *horses.*"

So she settled down, and under the name of Sarah Steward, tried to earn a tame and honest livelihood. But the old *equus complex* was overpowering our young heroine, and in a very short time she found herself in Court, trying to explain how she became possessed of a horse to which another person had a prior claim—and a claim, as Miss Perkins admits, which was good in the eyes of the law.

She was now actually doomed to spend two years in the prison of Madison County. From this dungeon, in May 1839, she addressed the world, in a manifesto called "The Female Prisoner." In it she gives a brief history of her life (she was only twenty-one), but devotes more pages to the description of her repentance; her overwhelming regrets for her great transgressions; and her firm adherence to many excellent principles of morality.

Among other precepts which she seeks to inculcate are that it is better to be poor than to be dishonest; that children should obey their parents; that poverty is no disgrace; that virtue is preferable to riches; and that, generally speaking, young girls should avoid horse-stealing, and

resist every temptation in that direction—even if the object of their desire is a Kentucky thoroughbred.

With this sound advice, Miss Josephine Perkins disappears from the sight of the antiquarian for about three years. Then, in 1842, she comes once more before the public, and, harrow and alas, this time in a pamphlet called "A Demon in Female Apparel: Josephine Amelia Perkins, the notorious female horse thief; again in prison—and for life."

Now, her repentance is sincere. She maintains that the early part of her narrative was correct—although her vicissitudes have led her into a slight mistake of memory, for in reviewing her escapade in England it is now Liverpool, rather than Portsmouth, to which she fled to join the amorous purser. Nor was there much to correct in her story of her adventures up to the moment she entered Madison County jail. After that, as she sadly admits, hers was a tale of deception, a pretense of reform for the purpose of hoaxing the good ladies, and others, who visited her in her cell.

The ladies had been profoundly distressed that one so bowed down with shame at her faults, one so plainly conscious of sin, should be

left to languish in a prison with common felons. So they circulated a petition, and soon had the joy of effecting the release of Josephine Amelia.

The lassie had been free but a few days, when the old urge came upon her, and soon she was off again, on the broad highway, and on the best horse she could find.

Moreover, she strayed into conduct which was, at best, unladylike. By means of an old great-coat, and a fur cap, she concealed her sex and passed as a man. There is no suggestion that she so far forgot herself as to abandon her flowing skirts. She bilked tavern-keepers out of their just charges; she travelled about with a young planter, and although it does not appear that their relations for one moment over-stepped the limits of a frigid chastity, she incited him to fraud and deception. She roamed about the shores of the Ohio River, committing various illegal deeds, and at last expressed her abandonment by firing a pistol at a representative of the law's majesty, who came to apprehend her.

When she was brought to trial, she was charged with stealing $150 in bank notes; "making an unlawful and outrageous attempt with a deadly weapon upon the life of the officer"; and with various thefts and high-handed felonies.

She had—she says so, herself—a "mere form of trial," and the aid of but "very imperfect" counsel. It makes our cheeks redden with shame to think that a woman could be so treated, for it must be apparent to anyone, with the slightest knowledge of modern criminology, that Josephine Amelia Perkins was *no criminal.* But she was sent to the Penitentiary, during the term of her natural life, and so far as any documentary evidence has come to my notice, there she stayed.

Thus did an innocent and amiable girl suffer for the grievous mistake, the wanton blunder, of her father in sending her to a riding-school, and implanting in her psyche, at a tender age, an overmastering predilection for horse-theft. Understanding, sympathy, an intelligent recognition of her fixation were all denied her, and the law was permitted to take its usual stupid course.*

*Reasoning from internal evidence, I have hesitated about including Miss Perkins in this collection of sober biographical essays. Doubts have arisen in my mind as to what scholars like to call her *historicity*. From, say, 1830 to 1880, there appeared a number of pamphlets whose publishers sought to introduce *fiction* into respectable American households, by the insidious device of presenting imaginary persons and their disreputable adventures as if these were fact. All my apprehensions were removed when I found that the catalogues of the Library of Congress and The New York Public Library both accept The Demon in Female Apparel as an historical personage, and that both libraries classify her pamphlets as biography.

MISS PERKINS DEFIES THE LAW

X

THE FIRST BUTTERFLY OF BROADWAY

Probably you have never heard of Thomas Street in New York. It is a short and obscure thoroughfare, in the down-town district, and it is lined with uninteresting stone buildings. The usual excavation is always in progress there. Yet, if one may believe the newspapers of 1836, this was once a region of romance and intrigue. Here were houses with large gardens and high fences, and over these fences, at night, clambered mysterious men in black cloaks. It was alleged that they left blood-stained weapons behind them. And, at least one of the gardens boasted an arbor, "filled with syrens and champagne, pineapples and pretty *filles de joie*."

This curious mixture,—in any garden—would attract one's interest; but if you look about now, to wonder where it could have been located, and, if you remain in too great an abstraction, you will be hit by a steam-shovel, and then, provided you are a follower of the Prophet of Islam, you may awake in a Paradise where

syrens and pineapples are included in the contract.

The present number 41 Thomas Street can hardly be on the site of that number in the 1830's. It certainly is extremely difficult to imagine in its vicinity, a pair of lovers reading Byron together under an arbor. And I suspect that in those Spring days, ninety-four years ago, when the New York newspaper reporters, with their tall hats and side-whiskers, flocked to the place, they were doing exactly what the gentlemen from the tabloids do to-day: making two romances grow where not even one flourished before.

Number 41 was the house of Rosina Townsend, and over her career and occupation it becomes us, as strict moralists, to groan. The reporters of her day, exactly as in ours, managed to print a great deal of perilous stuff by the method of inserting words of solemn condemnation. The central figure of the event was invariably referred to as "the beautiful but erring Helen Jewett." Sometimes she was "accomplished but wayward." One writer achieved a triumph by calling her the "Queen of the Pave" who "shone resplendent nightly at the theatres." Another spoke of her as "the beautiful Au-

gustan"; while such terms as "fair inamorata" and "lovely unfortunate" were within the reach of the youngest reporters. There was much indignation aroused against Rosina Townsend and her "house of sinful luxury," but this phrase was thought tame, compared with its happier characterization as "this Palace of the Passions."

Clergymen became wrathful about "dens of infamy," inhabited by "soiled doves," and, as usual at that period, dragged up for public inspection the pretty ladies of Greece and Rome. Laïs, Phryne and Aspasia were all under subpœna to testify about Mrs. Townsend, Miss Jewett, and their friends.

The real name of Helen Jewett was Dorcas Dyon, or Doyen. I suggest that the actual name was better than the assumed one. She was beautiful,—everyone agrees on that. Her hair was black, and (according to one authority) she chose to dress in green. Alfred Henry Lewis represents her as setting agog the grave and reverend, the gay and distinguished men of New York (all of them are there together, in his story) as she walked slowly up quiet, tree-lined Broadway of a summer afternoon. She was "one of the most splendidly dressed women that

went to the third tier of the theatre,"—whatever that means. She is described as attending the Park Theatre one night, when the bill included the opera "The Maid of Judah" and a farce "The Dumb Belle,"—a performance which occupied four hours. She had fine gowns and handsome rings: two with emeralds. She was fond of needlework, and not unwilling to sew and even make shirts for one or two of her lovers.

If some of her letters were really written by the gentlemen of the press, there seem to have been genuine notes by her, which got into print. They were well-written, although stilted and—according to our ideas—formal. And we have it on the authority of James Gordon Bennett (whose *New York Herald* was then one year old) from a personal inspection which he made of Helen's writing-desk and library, that the latter included books by Scott, Dryden, Bulwer, Pope, Homer, Virgil (in translation), Plutarch, Shakespeare and Ben Jonson. Evidently there was an excuse for comparing her with Aspasia.

Helen Jewett was twenty-three, and she had been born in Maine. Scandals clustered around her career. She was credited—or charged—with a love-affair at the age of eleven, with a

boy named Sumner. I suspect that this was merely a childhood friendship, but the incident is described, by one censor of her conduct, as an "unholy intimacy."

Soon afterwards, however, the girl chose the primrose path in earnest. It led through Portland and Boston, and, at last, to New York. After two or three years in that city she arrived at Rosina Townsend's. And here someone took upon himself rights of vengeance which have been expressly reserved elsewhere than on earth. For, whatever Helen Jewett had done, nobody—except one savage clergyman, who preached about it—felt that she merited her fate.

Before daylight, one Sunday morning, Mrs. Townsend smelled smoke coming from Miss Jewett's room. She opened the door, and with the help of others, put out a fire that was smouldering within. The girl was lying on the floor, her body slightly burned. The cause of death, however, was plainly shown by three wounds in her head, as from an axe. The police were called—they were known then as "the watch"—and various persons scrambled around in the dark and attempted to escape from the house. The newspapers delicately described them as *en deshabillé*.

Watchmen found an axe and a man's cloak in a neighboring yard—in the grounds of a house on Hudson Street—and on the evidence of these, and still more on information from Mrs. Townsend, went to 42 Dey Street, and there arrested one of two young clerks who roomed together at that house. This was Mr. Richard P. Robinson. He was only nineteen years old; he was originally from Connecticut; and he worked for Mr. Hoxie, the jeweller, of Maiden Lane.

Robinson was tried in June, in the aldermanic chamber at City Hall. It was New York's first great sensational, scandalous murder trial since the case of Levi Weeks, and everyone made the most of it. Crowds jammed the City Hall and the court-room, or stood in the space outside, where the Mayor now welcomes distinguished guests. The crowds hooted and yelled and behaved so uproariously that the trial was interrupted, delayed, and nearly broken up altogether. Young men cheered Robinson at every opportunity. The sympathy of the mob was with the prisoner, although the evidence against him was black.

The axe was identified as from Mr. Hoxie's shop. The cloak was sworn to as Robinson's. A miniature portrait found in his room was

identified as one in Helen Jewett's possession shortly before the murder. And finally, Rosina Townsend testified that she let Robinson into her house early that evening to keep an appointment with Miss Jewett. She did not know him by his own name, but by one which he adopted for purposes of nocturnal adventure: Frank Rivers. Mrs. Townsend had been requested by Helen to admit "Frank Rivers," but by no means to let in another gay dog who called himself "Bill Easy."

Later, at about eleven, Miss Jewett ordered a bottle of champagne, and the obliging Mrs. Townsend carried it to the girl's room, on a salver, with two glasses. She was even asked inside, to have some of the champagne, but she declined. Through the door, however, she saw Frank Rivers lying on the bed, reading a book. She recognized him, particularly by a bald spot on the crown of his head. And this partly bald young man, she impressively stated to the Court, was the prisoner at the bar, Mr. Robinson. He now, for some reason, was wearing a wig, over a shaven head. The wig was blond and curled.

This looked like hanging evidence. It was the theory of Mr. Phoenix, the district attorney, that, at about three in the morning, Mr. Robin-

son had murdered Helen Jewett; set her room on fire, and departed by the back way. A girl who lived in the house saw him go. He climbed the back fence, carelessly losing the axe and his cloak. He then went to Dey Street,—and so to bed. What his motive may have been, Mr. Phoenix does not appear to have stated. It might have been robbery; or a quarrel; or jealousy; but exactly what it was, has never been suggested with plausibility. A theory has been advanced that the young man was about to marry Miss Hoxie, the daughter of his employer, and that Helen Jewett was trying to block that plan, since she herself loved Robinson. The "romance" between them was nearly a year old: they were reported to have read poetry together in the garden at 41 Thomas Street and they had met at that house more than once.

The famous lawyer, Ogden Hoffman, who defended Robinson, had some cards up his sleeve, worth more than all the witnesses from Mrs. Townsend's dubious household. Mr. Hoffman referred to Mrs. Townsend's credibility in severe terms, and the judge seemed to agree with him. He described his client, in tones of heart-rending pathos, as "this poor boy." And, best of all, he produced a man named Furlong who kept

a grocery on Nassau Street. This citizen swore solemnly that Robinson was smoking "segars" in his shop, more than a mile from Mrs. Townsend's, on the night of the murder. And that he stayed there up to an hour which suggested that that eminent lady was either a very poor observer or else a vicious perjurer.*

The jury acquitted Robinson in ten minutes, and all the young men who were within cheering distance, cheered loud and long. They had become fond of him, and had adopted cloaks like his. They also wore caps with glazed vizors, like the one he wore. These were known as "Frank Rivers caps." It appeared at the trial, by the way, that there were two gentlemen known at 41 Thomas Street as "Frank Rivers." Who the other one was, remained a problem, until Mr. Robinson's roommate, Mr. James Tew, came and deposed that it was he. Like some impecunious young men who share an evening suit, they had only one stage-door name between them. "Bill Easy" also appeared—in person—his name was George B. Marston, and he seems to have had the sole use of this pleasing *nom de guerre*.

*It is very strange that, as soon as Mrs. Townsend's character was impeached by the defense, the prosecuting attorney did not seize the opportunity, eagerly awaited by every lawyer, and read, with great solemnity, the story of the woman taken in adultery.

There were many curious incidents connected with the trial. There was the testimony of a clerk from the shop of Dr. Chabert, "the Fire King" (324 Broadway) who said that Robinson had tried to buy arsenic at the Fire King's pharmacy. There was the suicide, two weeks after the trial, of Furlong, the Nassau Street grocer, whose testimony was so useful to the prisoner; and also the sudden—and so it is said, the suspicious—deaths of one or two other witnesses in the case, before the trial. There were stories of a juror who received a gift of money from a mysterious bearded man, directly after the verdict; and there was the yarn of the wealthy lady of Washington Square, who loved Robinson, and supplied the funds for his expenses, legitimate and otherwise. These are but a few of the facts or legends of the case.

Robinson did not marry Miss Hoxie. He moved, very soon, to Texas. And there he married, and, in less than two years died. In spite of his *alibi,* and in spite of his friends who, like the guinea pigs at the trial of the Knave of Hearts, cheered so often, I think he cheated the gallows and died in debt.

XI

"YOU MURDERING MINISTERS!"

"Three Criminous Clerks" was the engaging title given by the late H. B. Irving to an essay about some French priests who had dabbled in murder. "Clerks," was used, of course, in the old sense of "clerics," and the phrase became especially effective if you were careful to imitate Irving, and his fellow-Englishmen, and rhyme "clerks," not with "smirks," but with "sparks."

Mr. Irving found no such group of homicidal ecclesiastics in his own island (despite Lady Macbeth's cry: "You murdering ministers!") and contented himself with an allusion to the Reverend John Selby Watson. This gentleman, as he said himself, could "write Latin which the Bishop of Winchester would commend," but he was, nevertheless, shut up in prison for killing his wife.

The folk of many countries have had occasion to look with horror upon some person in holy orders with a weakness for murder. Readers with a taste for such histories usually remember that Germany has contributed Father Riem-

bauer to the list, although his career, as related by the learned Feuerbach, seems to me to be lacking in the higher fascination.

When we come to America, and try to chronicle the shepherds who, instead of protecting their flocks, have gone over to the side of the wolves, there is an embarrassing amount of material. There is, if, with too great faith, we accept the statistics of an inquirer named Billings, who, about 1881, published a monograph called "Crimes of Preachers in the United States and Canada." This painful work, to the great joy of the ungodly, had such a success as to result in ten editions in the next thirty years.

It has long lists, alphabetical and chronological, of clergymen charged with acts of rapine and slaughter, and it also contains percentage tables, classified according to sects, with results which should be highly pleasing to Mr. H. L. Mencken. Yet I think that its compiler lacked the scientific spirit.

Thus, it sets down the names of all who were *charged* with offences. Near the top is my old friend, the Reverend Mr. Avery of Bristol, R. I. Since writing about him, I have visited the scene of his alleged exploit, and am more than ever persuaded that the board of magis-

trates which freed him, and the jury which later acquitted him, dealt justly with an unfortunate man. I do not believe that he murdered Miss Cornell.

Among the G's, Mr. Billings names the "Reverend C. J. Guiteau," who shot President Garfield. It is true that religious fanaticism was one of Guiteau's weaknesses; but so was political enthusiasm—there is exactly as much reason for calling him Senator or Ambassador Guiteau, as for describing him as the "Reverend."

The tables and lists of Mr. Billings must not be swallowed whole. It may be true that Henry E. Dixey, once upon a time, stung by some clerical allusion to the stage and its people, offered to prove that, at any period, there is a higher percentage of ministers than of actors in jail. Nevertheless, a murder by a clergyman is entertaining, not because such events are frequent, but because they are rare.

Persons who find much interest in an assassination by a gangster or gunman ought to know that these events are feeble in their charm compared to a murder, if one could be unearthed, by an archbishop. And a thoroughly good poisoning perpetrated by the Professor of Christian Ethics in a respectable school of divinity; a well-

planned shooting or bludgeoning by a fashionable curate; or almost any sort of homicide by the Dean of a cathedral would be more precious to the discriminating amateur than all the vulgar atrocities which may be committed in the underworld of Memphis, Tenn., in the next eighteen months.

The Reverend George Washington Carawan dominated the countryside in those eastern counties of North Carolina which border on the two great Sounds: Pamlico and Albemarle. Here, in the early 1850's, he seemed to be a mighty man of God: a fiery preacher of the Word, a prosperous farmer, a hunter, and a tremendous success as the local dispenser of *Schrecklichkeit*. His slaves shook with fear at the sound of his roaring voice; while the white men who had offended him, stepped softly and kept away from his plantation when it was rumored that the Reverend George was out with his gun full of buck-shot.

Another preacher of the same sect and subsect (they were "Hard-Shell" Baptists) a man called the Reverend Albin B. Swindell, thought that Mr. Carawan had strayed a little too far into unchurchmanlike conduct when he poisoned a

youth named Hudson. Brother Swindell actually brought charges against Brother Carawan, and sought to have him dismissed from the church.

A few weeks later, Mr. Swindell made his way along a lonely road, *en route* to a religious assembly. Luckily, and unexpectedly, he had another man with him, so when Mr. Carawan suddenly jumped out of the woods, with his great, big double-barrelled gun in his hands, there was, on both sides, an awkward pause.

"Oh, ho! hum!" said Mr. Carawan, "it's a fearful nuisance, you know, but some of my slaves have run away, and I'm looking after them. Haven't seen any of them, have you?"

Both the other gentlemen said that they thought the slaves had gone in quite the opposite direction, and the strained situation was relieved by the departure of the vengeful Carawan.

A modest and anonymous biographer, who published his work about 1854, is my sole authority for the life of this astonishing cleric. According to his account, Carawan, as a youth, was accustomed to mock at religion, and to entertain his friends by delivering parodies of the preachers. He possessed one qualification which

Mr. George Ade has said is also essential for a statesman: on a clear day he could be heard for a mile. He decided, therefore, to adopt sacred oratory, and in 1827 was baptized by no less a person than Elder Enoch Brickhouse. His gifts as an exhorter were recognized, and soon he was an ordained preacher. His ministry lasted for twenty-five years, during which time he had charge of Pungo Church, of the congregation at Goose Creek, and of many others, including the important parish at Mattamuskeet in Hyde County. The nearest town of importance is Swan Quarter, and the whole region was as remarkable for its romantically named villages, as it was for its intense devotion to evangelical religion of a fiery flavor.

Much that is good has been said of Parson George. Hundreds of souls were rescued from damnation through his eloquence; he plunged more than 500 sinners (including many elderly persons) beneath the saving waters of baptism; and five or six young men, inflamed by his sermons, were "raised up" to become preachers. Churches which were falling into the sin of Laodicea (being lukewarm, neither hot nor cold) were suddenly revived under his ministry. Yet he would take no pay, preferring, as he said,

to follow the example of the Apostles, and go about dispensing the blessings of the Gospel without money and without price.

He was an industrious husbandman, and prospered in a worldly sense. He owned two farms. He exercised the characteristic hospitality of his native State, welcoming the traveller to his hearth and home, and sending him forth again, fed, sustained, and cheered.

As to the darker side of his career (prior to the event which made him interesting even to the New York *Herald*) I hesitate to record what his historian has written. Once let a man be reasonably accused of murder, and all manner of evil is raked up, or invented, about him. To this unfortunate love of gossip, we owe, I am convinced, the horrid story about Miss Lizzie Borden and her kitten. But it must be said, however briefly, and with all due allowance for exaggeration, that scandals had a tendency to cluster about the name of the shepherd of Goose Creek.

Thus, there was the affair of Polly Richards, which had actually brought about his dismissal from the Church. He was reinstated, however, although it is further asserted that the child of this *liaison* had been removed by strangulation. The first Mrs. Carawan died, not from natural

causes, but by some unfortunate association with part of a package of arsenic—afterwards found in the Parson's trunk. The removal of young Hudson, previously referred to, followed a marriage into which the youth was forced at the convenience of his spiritual guide: Mr. Carawan. Other events in his past showed that he was inclined to imitate not the virtues but the sins of King David, particularly in the matter of the wife of Uriah the Hittite.

Everything culminated in his quarrel with Clement Lassiter, teacher in a "singing geography" school, and a young man, so we are told, "of reserved manners and melancholy temperament." Another observer has added that Mr. Lassiter was a fat young man. Whatever the state of his figure, his conduct, so the second Mrs. Carawan remarked, was proper and correct. She had opportunity to observe, since the teacher, for a number of months, had boarded at the parsonage.

Now, no one has been able to explain why the clergyman suddenly made the gravest assertions about young Lassiter, accusing him of such conduct toward Mrs. Carawan that the charge, if proven, would have brought the teacher into peril of capital punishment for an offense then

held equally detestable with murder. Lassiter, however, even with his reserved manner, was forced into an action for slander, and was vindicated in the Courts, getting a judgment of $2,000 against his former host.

There had been a painful scene at the very front door of the parsonage. As reported by Parson George—the only surviving witness—he, the injured one, "had a house moving," and Lassiter stood about all day whittling with his knife, and did not offer to assist. Provoked by this display of selfishness, the minister told the teacher that this was not the first of his acts of ingratitude, and seized the occasion to discuss the delicate subject of the attempt to ravish Mrs. Carawan.

Lassiter then flew into a passion, and making the first use of his knife—other than for whittling—"cut at him" (i. e., the Parson) "twice across the bowels." With natural regard for his own safety, Mr. Carawan ran into the house, and snatched down the old fowling-piece from over the door. He then told Lassiter to get off the place, "or I will blow a load through you."

The school-master prudently replied that he would go as soon as he got his umbrella. He then went into the house, secured this treasured

possession, and departed. In the middle of the road he stood, for a while, cursing the man of God, like a pickpocket. Such was the tale told by Mr. Carawan.

A few days later, at about 2 P.M., a nephew of the clergyman, apprenticed to him, saw Mr. Lassiter pass the house, and disappear toward a wood. Soon there emerged from the parsonage, Mr. and Mrs. Carawan, the former leading by some distance; the latter following, and partly concealing under her apron, the fowling-piece, previously mentioned as the protector of the family honor. The lady soon returned, without the gun, but the Parson came not into sight again until the setting of the sun. Business had detained him in the wood.

The complete disappearance of Mr. Lassiter, and the subsequent discovery of his corpse, buried in a lonely place, caused the minister to depart for Tennessee. His remark to his slaves and henchmen was:

"Boys, they have found Lassiter, and I have got to go away or else I shall be hung."

Inasmuch as one of Mr. Carawan's slaves, a negro named Seth, had given a complete account of his master's frank confession of the murder, and of how he, the slave, was compelled to help

bury the school-teacher, there was not much doubt in the popular mind as to the fact that this was one more notch on Parson George's gun. Seth's testimony, as that of a negro slave, was inadmissible in Court.

The part of Mrs. Carawan in the assassination is cloudy: her expedition to the woods, acting as gun-bearer, makes it seem as if she were a willing and enthusiastic coadjutor. Yet the historian of the Carawans insists that the accusation against Lassiter was all trumped up, and that the lady spoke in the highest terms of his correct deportment. It may have been his fussiness about the umbrella which finally turned her esteem into distaste.

Mr. Carawan stayed in Tennessee a few months, but was forced to return in secret, in order to realize on his property, and attempt another flight. He was captured, in the manner of the times and region, by a posse of twenty-five men, armed with muskets and shot-guns. They surrounded his house at night, and when, at last, they compelled him to come forth in his night-gown, took care to have him manacled before they allowed him to put on any of his more essential garments.

Even at the age of fifty-three, Parson George

by no means had had all his teeth drawn. He secured a change of venue to another county. He carried on a voluminous correspondence from the jail, signing his letters "Old Horse in the Stable." This caution was due to the fact that the object of the letters was the suppression of the most damaging witness: his nephew. This youth he wished to have bribed, or sent out of the country—or silenced, somehow.

All went badly for the defense, however, and the trial was conducted with order and decorum, and with scholarly citation of *Rex vs. Thornton,* and of Mr. Baron Parker in Tawell's case. When the jury, each and every man, announced their verdict of "Guilty," the clerical convict was seen to unbutton his waistcoat and open his shirt-bosom. The jury were discharged, and the Court announced a recess of one hour, before sentence.

This was never pronounced. The Parson drew a single-barrelled, self-cocking pistol from his bosom, leaned forward, thrusting his arm between the heads of two of his counsel, and took aim at Mr. Warren, who had made the final argument for the State. He fired, and the ball struck the advocate just above the heart. Owing to some fortunate circumstance—perhaps pro-

tective armor—the bullet fell to the floor, and Mr. Warren received no injury.

Parson George drew another pistol and applied it to his own head. A deputy sheriff struggled with him—foolishly enough—but was unable to spoil the aim. The bullet entered the right side of the skull, above the ear, penetrated the brain, and lodged over the left eye.

"His Honor left the bench, and the jury their seats, everything being in the wildest confusion."

Yet it takes a good deal to kill one of the old fighting Carawans. The Reverend George lingered for three or four hours, before at last his spirit fled to the shades below.

XII

THAT DAMNED FELLOW UPSTAIRS

Mr. Pickwick knew an old man who said that the rooms in the Inns of Court were "queer old places"—odd and lonely.

"Not a bit of it!" said a sceptical friend.

Then the sceptic, who lived by himself in one of these rooms, died one morning of apoplexy, as he was about to open his door. Fell with his head in his own letter-box, and lay there for eighteen months. At last, as the rent was not being paid, the landlords had the door forced, "and a very dusty skeleton in a blue coat, black knee-shorts and silks, fell forward in the arms of the porter who opened the door."

Years after Mr. Pickwick's adventures were over, entrance was one day forced into another queer old room in a London house, and, with a tremendous clatter, out tumbled another skeleton, of a still stranger kind.

The noise it made was not heard in America, since we were completely absorbed, that summer, in the first battle of Bull Run. The story would be forgotten in England to-day, were it

not for the admirable essay published seven years ago by the late Sir John Hall, Bart. This gentleman is respected by all those who appreciate scholarly descriptions of curious events. It is probable, however, that of all who see my retelling of the tale, only experts like Messrs. Alexander Woollcott and S. S. Van Dine, will be familiar with Sir John Hall's work. And as it has been solemnly asserted, in print, that the names of both Mr. Woollcott and Mr. Van Dine are but pseudonyms of the writer of this book, the circle is very much narrowed. So I feel moderately safe in going ahead, especially as I have unearthed one or two details on my own account.

Toward noon of a day in July, in that far-off year, Mr. Clay, the manager of the Catalonian Cork-Cutting Company, was in the rear of his premises in Northumberland Street, London. He heard two pistol shots from within the house; one shot following the other at a five-minute interval. He paid no attention, since he knew that one of the residents of the house had, for a month past, anticipated Sherlock Holmes in the eccentric custom of indoor pistol-practice.

After a few minutes, a rear window on the second floor was opened, and there appeared the

hero of the story. His conduct, his accoutrement, and some of his speeches, have always recalled to me those half-demented and curious persons who flit through the novels of Mr. G. K. Chesterton. He was a man in his forties; wearing, I think, side-whiskers, and carrying in one hand an umbrella, in the other, half a pair of tongs. He put one foot on the sill, and seemed about to jump twenty feet or more into the yard.

This horrified the Catalonian cork-cutter, not only because the stranger's face was covered with blood, but because of the flag-stones and an area, with iron railings, directly below the window. He adjured the bearer of the umbrella, in the name of God, to do nothing desperate, but to tell him what was the matter.

"Murder is the matter!" replied the gory one, and continued his preparations for a desperate leap.

Mr. Clay sent one of his employees for the police, and ran indoors to try to get into the second-floor apartment. While he was banging at the locked doors, he heard glass breaking, and on looking out again, found that the mysterious person had jumped into the yard; fought off a workman who tried to stop him; clambered over a high wall into the next yard—still armed with

the umbrella; gained an alley between the houses; and made his way into the street.

Here, he was surrounded by a group of people who had come running from various directions. He complained that some one who lived at Number 16 had tried to murder him. One of the men in the street must have secured the umbrella—perhaps while the wounded man was adjusting his cravat, or brushing off his clothes—for the stranger asked for the umbrella again, and said that he must be getting to his office. This, in spite of the fact that he had lost his hat; had a terrible wound in the back of the neck; another, which was bleeding freely, on his cheek; and that both his hair and whiskers were singed.

Duty was evidently the keynote of his character. He was an officer and a gentleman, and to introduce him by name, he was Major William Murray, late of the 10th Hussars, but a total stranger to all in the street. As it will appear presently, deception was in his eyes a far more grievous offense than personal violence, and to him unsportsmanlike conduct seemed the blackest of sins.

A man in the crowd reasoned with him about going to his office.

"You are badly wounded," said this one.

"Am I?" replied the Major.

"Indeed, you are fearfully wounded."

Then the Major remarked:

"It's that damned fellow upstairs—Grey."

"There is nobody named Grey in that house," the man returned. "But if you mean the man I saw you go in with, about half an hour ago, *his* name is Roberts."

Then, at last, the Major allowed a faint note of bitterness to creep into his tone.

"He told me," he said, "he told me, that his name was Grey."

Meanwhile, much was going on in and about Number 16 Northumberland Street. The occupants of that and nearby houses had all heard the pistol shots, and one of them had heard other noises—as if someone were beating a mattress. But no one gave much thought to the reports, since they all knew the habit of their neighbor, Mr. Roberts, of amusing himself by target practice. Roberts was, by profession, a solicitor; actually he accommodated people by lending money. This he did at no great disadvantage to himself,—his idea of a proper rate of interest being 133⅓%, per annum.

Inside the house, during the talk on the street, was a Mr. Preston-Lumb, an engineer. To him

came young Mr. Roberts, son of the money-lender.

"Oh! Mr. Lumb," he cried,—forgetting, in his excitement, the glories of the hyphenated name, "Oh, Mr. Lumb, some one has been and murdered Father!"

Thus, at last, we learn the real origin of the remark which Miss Lizzie Borden called up the stairs to Bridget Sullivan, on another warm and sanguinary noon-day, many years afterward.

Meanwhile, the man in the crowd, and most of the crowd, too, were escorting the wounded Major, first to a chemist's for immediate relief, and then to a bed in the Charing Cross hospital. His injuries were serious, but he was able, as they walked along, to give the First Citizen a perfectly lucid account of the surprise attack which had been made upon him by the fellow who said his name was Grey.

When the police arrived, and began to search for Mr. Roberts, another inquirer came upon the scene. This was one Timms, a man who had been engaged in washing down the back of the house. To him, shortly before the shots were fired, had come Mr. Roberts, given him a shilling, and asked him to go to the top of St. Martin's Lane, and buy a linnet. He added that the

price of the bird was ninepence. Now, Mr. Timms returned, and was left in possession of the linnet, and of the threepence change.

This, in a modern American murder trial, would have been a winsome incident, to be repeated to the jury, by the weeping lawyer for the defense, coupled with a demand for the instant acquittal of the prisoner, as one whose tender heart was solely concerned with feathered songsters of the air.*

The police, by means of ladders, at last effected an entrance to the rooms of Mr. Roberts. To these locked apartments, hardly anyone, not even the money-lender's son, had ordinarily been admitted.

The officers looked at an amazing sight. The rooms were elaborately over-furnished in the French style of the period of Louis Philippe. There were half a dozen good water-color paintings, with heavy gold frames. Brackets and shelves were ornamented with statuettes and bric-à-brac, under glass covers. The floor space was crowded with ormolu tables and boule cabinets. Everything in the room was filthy with

*Or, perhaps, in an English trial, if the late Sir Edward Marshall Hall were defending. The recent publication of the life of this eminent defender of accused persons has done much to hearten American jurists, by revealing that our courts have no monopoly of oratorical flapdoodle.

dirt and dust—the thick, black encrustation which follows years of neglect. On the floor was a great heap of crumpled papers, also powdered with dust, while the marble mantelpiece was scarred and chipped by the bullets from Mr. Roberts' pistol.

In the front room the ornate and dirty furniture was little disarranged, but the other room showed the marks of a terrific fight. Chairs and gilded tables had been upset. The dust had been beaten down; the inlaid cabinets were smeared by bloody fingers. There were splashes of blood on the walls, and a shower of drops of blood on the glass covers over the ornaments. In places, the room looked "as if a bloody mop had been trundled round and round."

The police found parts of the broken tongs, "actually coated with bits of flesh and blood" and another weapon of the fight, a broken wine-bottle, lying in a pool of blood. Near the wall in the front room, his head a shocking mass of wounds, lay the owner of all this: Roberts, the money-lender. He had a dozen or twenty injuries, any one of which looked as if it alone should have been instantly fatal. Yet he lived, and could talk.

He, also, was taken to the hospital, where, to

the astonishment of the surgeons, he lived for six days. Most of this time he was conscious, but did not say much to help the police. He said that Murray, whom he met by accident in the street, had come to his rooms for a loan. And then, "Murray shot himself in the neck, attacked me with the tongs like a demon, and hit me with a glass bottle."

Aside from the improbability of this, the chief wound of the Major made the money-lender's story absurd, and indicated that Roberts had done the shooting. The Major had said, from the start, that Roberts was an utter stranger, whom he had met in the street; that he had been asked to come to the house in Northumberland Street to discuss a proposed loan to a company, and that he had been shot and almost killed for no reason which he could imagine. He then defended his life with the weapons that came to hand.

Young Roberts was brought to his bedside, but still the name meant nothing.

"What Roberts?" said the Major.

"Why, the son of the Roberts who shot you," was the reply.

Then the exasperation of Major Murray burst forth again.

"Why, damn him," he said, "he ought to be hanged for shooting a man on the ground!"

To the sporting Major, especially at a time of the year when the thoughts of all Englishmen were dwelling upon the approach of the grouse season, it was scandalous that Roberts had not flushed him before firing.

Since Roberts died without giving any reason for the fight, and since it was a mystery to Major Murray, the police continued to search the rooms for an explanation. At last, as in a detective story, they believed they had found it in a few marks on a blood-stained sheet of blotting paper. Holding this to the mirror, they deciphered the name "Mrs. Murray," and an address: Elm Lodge, Tottenham. There were also some fragments of letters from Mrs. Murray to Mr. Roberts.

The inquest was held ten days after the fight. The jury met in the hospital, where they could most easily inspect the battered remains of the man who lost the combat, and also question the winner of it. The so-called Mrs. Murray appeared, heavily veiled. When she lifted this veil, she disclosed "the features of a remarkably pretty woman" of about twenty-five. Her name was Anna Maria Moody. Seven or eight years

earlier, she had left her family "to live under Major Murray's protection," and she had called herself Mrs. Murray for five years. The Major had taken Elm Lodge for her, and had always treated her in the most "noble-hearted manner," in accordance with his disposition, which was "amiable and kind." When her baby was born, she was embarrassed for funds, and was unwilling to ask for more money from the Major, who, although apparently a bachelor, was "under heavy expenses."

Someone told her of Roberts; she went to him, and found him willing to lend her £15, provided she signed a three months' note for £20.

She had never been able to pay the debt, but had continued to make quarterly payments of £5 as interest. From the beginning, Roberts had tried to make love to her, and offered to release her from the debt, if she would leave Major Murray, and go to Scotland with him.

It was believed that Miss Moody told the truth; that she was faithful to the Major; and that she was forced to accept Roberts' company, and go with him—usually chaperoned by his wife—to church and to entertainments; and even to write affectionate notes to him; and that all this was the craft of a helpless woman who

was badgered and threatened by a usurer. She said the two men had never met before the day of the fight, and Major Murray had not known of the other's existence.

The Major gave his testimony in the hospital ward; his throat bandaged, and his neck too stiff to let him move his head. He unfolded a tale which impressed everybody with its melodramatic qualities, and caused Thackeray to refer to the affair in "Roundabout Papers."

Roberts had accosted him in the street; introduced himself as "Grey," and offered a loan of £50,000 to the Railway Palace Hotel, of which project the Major was a director. The two men went to Roberts' rooms, where the host left his guest alone for a few minutes. (He went on the errand about the linnet, in order to get rid of a possible witness.) He came back, stopped behind the chair in which the Major was sitting, and, under pretence of looking for some papers, held a pistol directly against the neck of his victim, and fired. The Major fell to the floor, paralyzed. Roberts left the room again, and came back to see the Major beginning to move. He walked up and again fired at his right temple. The outrush of blood from this wound relieved the Major a little, and, as he said,

"I knew if I could get on my feet I could make a fight for it."

He opened his eyes and saw the tongs. With these in his hands, he jumped up and attacked his intending murderer. Then occurred a fight which raged all over the room. The tongs were smashed against Roberts' skull, after which the Major found a large black wine-bottle and smashed that in the same manner. Both men were up and down, sprawled on the floor, and fighting desperately for whatever weapon the Major tried to employ. Once, Murray caught up a metal vase and threw it at the other's head —but missed. Two or three times, Roberts seemed to be down and out, but he would recover his feet, and—a hideous sight—come lurching toward the Major, who was trying to find an escape from the apartment. At last, Roberts fell on his face as though dead; the Major pushed him through into the front room, shut the folding doors, and leaped out the window. He regarded the men in the back yard as possible enemies, because he thought that people who could listen to pistol shots and all the uproar of the fight, and take no notice of it, must be associate ruffians in a den of thieves and murderers.

Major Murray's story was corroborated by

all the facts known to the jury, who brought in a verdict of "justifiable homicide"—this amidst the applause of the crowd of spectators.

Roberts' motive for the attempt at murder seems absurdly inadequate, but it is probable that, in his desperate infatuation for Miss Moody, he thought that with the Major out of the way, he might somehow become the heir to her affections. How he planned to dispose of the body is not clear: perhaps, in the mass of other rubbish which filled his strange dwelling, he thought that the corpse of a retired officer would pass unnoticed.

Miss Moody, like Mr. Timms' linnet, disappears from the history. Whether she was a member of the Major's family at a later date, I do not know.

If you should be eccentric enough to look at *The Times* for April 1, 1907, you will find this, under *Deaths:*

MURRAY. *On the 28th March, at Ossemsley Manor, Christ-church, Hants, Major William Murray, late 97th Regiment, and 10th Hussars. Service Newmilton, 9 a.m., Wednesday. Cremation, Woking. No flowers, by his special request.*

All the bullets of that damned fellow, upstairs, had not prevented the gallant Major from reaching the hearty old age of eighty-eight. But not even in the Crimea—if he was in that war, which is doubtful—did he ever come so near death as on that day when he fought "like a demon" against a man whose name, and whose purpose, were alike, to him, a mystery.

XIII

PRECEDENTS IN THE HALL–MILLS CASE*

Around the dead body of Mr. Enoch J. Drebber of Cleveland stood three men,—no less personages than Sherlock Holmes, Doctor Watson and Inspector Gregson from Scotland Yard. This was the first recorded case of Sherlock Holmes. Said he:

"It reminds me of the circumstances attendant on the death of Van Jansen, in Utrecht, in the year '34. Do you remember the case, Gregson?"

"No, sir."

"Read it up—you really should. There is nothing new under the sun. It has all been done before."

This was one of Holmes's precepts: that familiarity with the crimes of the past was often useful in solving present puzzles; and that murders run in types or classes. Professional detectives find less to jeer at, in this theory of Mr. Holmes, than in most of his other notions. The

*This article was first published in October, 1926, about two weeks before the trial of the Hall-Mills case.

ability to recognize certain types of murder is one of the ordinary accomplishments of the trained detective. When fragments of the body of Anna Aumuller were found on the New Jersey shore, a number of years ago, an especially intelligent member of the New York detective force made a number of perfectly correct deductions from the evidence merely of these fragments. He reasoned quite in the Sherlockian style, and accurately classified the murderer—then unknown—according to nationality and education.

Moreover, his geological knowledge enabled him to recognize some bits of rock in the bundles, and to assign the murder to Manhattan Island.

Whatever the official view may have been of the Hall-Mills murders in New Jersey, it was clear that public opinion did not agree in classifying the crime. In one peculiarity it seemed possibly unique: few persons could recall any instance of the double murder of a clergyman and a woman, with the added sensation of the arrest of members of the clergyman's family, charged with the crime. Priests and ministers, in no small number, and in every country, have been tried for murder, and some of them

have been convicted. From the shooting parson of Texas, indicted a year or two ago, back nearly a century to the Reverend Mr. Avery of Rhode Island, the American list has included the unsolved case of the Reverend Mr. Hayden in Connecticut in the 'eighties, and the confession and execution of the Reverend Mr. Richeson in Massachusetts about eighteen years ago. Some of these cases have been extremely shocking to the public: when a clergyman is involved in a murder case it seems to be a rule that the details of the homicide are not the only scandalous items in the story.

The murder of a man and woman, however, or of one or the other of them, under circumstances similar to those of the notorious tragedy in New Brunswick, is anything but novel. Public opinion, when such an event happens, usually ascribes jealousy or revenge as the motive, and as there is frequently not much mystery about it, public opinion is often right. But not invariably, I believe. There happens to have been a great deal of mystery about the crime on the Phillips Farm, and despite the swarms of comic witnesses, who claim to have been standing about, seven tiers deep, the murder was a secret crime of darkness.

Murderers and the murdered, from time to time, change their methods a little, but the public may safely be expected to respond to a celebrated crime in about the same manner, to-day, yesterday and forever. The swarms of letter-writers, anonymous and otherwise; the horde of witnesses—honest, dishonest and simply deluded—which appeared in the Hall-Mills case, are all spiritual descendants of similar persons who flourished during the Webster case eighty years ago; in the Nathan case sixty years ago, and in the Borden case, forty years ago. Some of them have been absurdly alike: the convict in the California prison who had important tales of bribery to relate, if he could only come East and assist the State of New Jersey, had his counterpart in a burglar named Irving, who in 1870 got a free passage from a California jail to New York, by pretending to be implicated in the murder of Mr. Nathan. (This was a case in which public opinion unjustly suspected a member of the murdered man's family.)

The supposed importance of love-letters, in the Hall-Mills case, and the interest of the yellow press and its readers in these letters (or in others, concocted, perhaps, in newspaper offices) was duplicated long ago in Scotland, in the let-

ters of Madeleine Smith and her lover, and in the recent crime of Edith Thompson and Frederick Bywaters in London. The refusal of the first Grand Jury to find an indictment in the Hall-Mills case, was a repetition of an incident in the Molineux affair, in New York in '99. The final trial of Molineux took place four years after the crime,—and ended in a prompt acquittal. The fact that there might have been many persons with a motive for the murder of Mr. Hall or Mrs. Mills, recalls the circumstances of the slaying of Mr. Elwell, the bridge expert, in New York, when the police were confused by the multiplicity of possible assassins. A trial for a murder, four years after the event, is rather rare, but not unknown: I have served on a jury, in a trial for murder, *twenty* years after the crime. This, also, resulted in an acquittal.

The alleged recognition of accused persons, in a wood or field at night, is sure to recall Abraham Lincoln's famous cross-examination of the witness, Allen, in the trial of William Armstrong for murder. Here the hostile witness swore that he observed a murder by the light of the moon; but Lincoln, for the defense, destroyed his testimony by proving that the

moon gave no light at the hour he named. The moon is a valuable piece of stage property in any romantic murder.

And naturally enough, it is only the romantic murder which attracts us. Many reporters feel it their duty to make ten thousand dollars' worth of romance bloom where less than two cents' worth is actually to be found. On the faces of conscientious readers of the newspaper reports of the New Brunswick tragedy, I have observed a look of personal injury, if anyone dared to snatch away the romantic interpretation of what might be a commonplace fact. Bold is the man who tries to destroy a pleasant delusion. A face recognized by moonlight, love letters "strewn" over a dead body,—the public nurses such fancies as a child hugs a doll.

It is ever the same. When this country was convulsed over the murder of Mr. and Mrs. Andrew Jackson Borden of Fall River, some inspired person chanced to recall the trial for mutiny, sixteen years earlier, of certain sailors on a schooner called the *Jefferson Borden*. It mattered not that Bordens in Fall River, and thereabouts, are as Cabots in Boston, or as autumnal leaves in Vallombrosa: the romantic school were soon mightily interested. Could it

not be that Mr. Borden (whose middle name was Jackson, which is near enough to Jefferson) should have owned the *Jefferson Borden,* and that the guilty mutineers should have descended upon him and his wife, after sixteen years, thus revenging themselves for their trial and imprisonment? It mattered not that all the mutineers were accounted for; it mattered not that Mr. Borden hadn't the slightest connection with the schooner. In a discussion of the Borden case, even to-day, somebody is fairly certain to offer the remark, as an especially sage observation, that the mutiny was never thoroughly looked into. There was also the touching belief in the "wild man," who, twelve days after the murders, still haunted the woods about Fall River, muttering the words "Poor Mrs. Borden," and shaking a hatchet which dripped with the warm life-blood of that unfortunate old lady. These myths represent two of the contributions of the romantic school to a *cause célèbre* of the past.

There have been many counterparts of this in New Jersey's famous scandal. I am inclined to guess that one of America's greatest makers of legend is that anonymous reporter who first represented the letters of Mr. Hall and Mrs.

Mills as purposely "strewn" over their bodies, as if to publish their guilt to the world, and to justify and explain the crime of murder. Certainly this interpretation of what may have been a prosaic fact, has become an article of faith to many persons; I have seen an expression of pained surprise upon the faces of these folk if someone questioned whether persons committing a murder for revenge, or because of jealousy, would so go out of their way to direct suspicion toward themselves. When the heretic further suggested that the letters might have fallen from the clergyman's pocket, while the pocket was being rifled by a thief, or that the wind might have done the "strewing," then the members of the romantic school became actually exasperated. It is outrageous to seek to destroy a picturesque story.

The calling-card, "propped" against Mr. Hall's boot-heel—with all the winds of outraged Heaven obligingly stilled for thirty-six hours to keep it in place—this, also, is a bit of stage property beloved by the romantics. Far be it from them indeed to think that it, likewise, may have been one of a number of cards and letters, falling or taken from the dead or dying man's pocket, and afterwards blown about at the

mercy of the wind. Few persons, in discussing the crime, seem to remember that the bodies lay there in broad daylight, for one whole day (not to mention two nights), which intervened between the crime and its first *reported* discovery. And this in a place notoriously frequented, not only by myriads of lovers by night, but by thieves and their pursuers, by loose and odd fish of various kinds, by rivals in another love affair of a more sinister variety than that which ended with the murders, and, it has been said, by members of a secret society with a *penchant* for the forcible regulation of private morals.

It is quite impossible to add to the romance which actually surrounded the famous crab-apple tree. Not even the wood near Athens where roved *Oberon* and *Titania,* where *Bottom* and his crew had so many tricks played upon them, ever throbbed with so much passion, nor did its lovers seem so willing to come forward in such large numbers and claim to have been among those present. The "sturdy figure" of the Pig-Woman, mounted upon her celebrated mule, Jenny, and the charmingly named Miss Barbara Tough have completely fascinated the public. Far from being a private murder, the number of witnesses—if we believe what they say—

made such an affair as the death of Julius Cæsar look by comparison like a dark and impenetrable mystery.

Perhaps there is nothing in the history of the tragedy which recalls so many famous crimes of the past as the testimony of the Pig-Woman, dramatically offered two or three weeks after the event. In other murder cases which have been discussed excitedly, and minutely reported in the newspapers, it has been a frequent occurrence to have some amazing testimony offered by a woman. Sometimes she appears for the defense, sometimes for the prosecution, but she is so frequent a phenomenon that I have kept a symbol for her in my note-book,—for convenience I label her M. F. W.,—Marvellous Female Witness.

In 1850, at the trial of Professor Webster, she was named Abby B. Rhodes, and she met Doctor Parkman—met him and exchanged bows with him—on the streets of Boston, near Bowdoin Square, at five o'clock of the afternoon of November 23. Doctor Parkman's body, in an extremely damaged condition, was, as a matter of fact, lying in the Massachusetts Medical College at that minute,—thanks to the attentions of Professor Webster. But that did

not shake Mrs. Rhodes. She knew the day and the hour (and, land sakes!), she guessed she knew Doctor Parkman, and had known him for twenty-five years. And she was sure of the day, because she had been to Hovey's with her daughter—it was the only day she went there that week—and bought eleven yards of muslin *de laine* at twenty cents a yard. Hovey's books recorded the purchase. Yet the facts about Doctor Parkman's condition at that hour were as I stated them.

The Marvellous Female Witness appeared again in 1872, as Miss Annie Keenan, a music teacher from Fort Lee. She came to Court, to identify one Billy Forrester as a man she saw in West 23d Street one night in July, two years earlier,—the night Mr. Nathan was mysteriously murdered. Yes, she told the Court, Forrester was the man; he had a "crazy look" in his eye (murderers always have it) and he had some "rigid implement" up his sleeve. For two years the New York papers had been constantly discussing the iron "dog" or bar, with which Mr. Nathan had been murdered, and it is possible, just possible, that Miss Keenan had read something of this. But, as Billy Forrester turned into the Nathan house, with his crazy

look and his rigid implement, he obligingly struck his arm against the stonework, and it gave out a clang like an iron bar! How he could have done much more, unless he had worn a silk badge with the words "The Murderer of Mr. Nathan," it is hard to see. But, somehow or other, the Court failed to believe Miss Keenan.

She had another incarnation at the time of the second Molineux trial. At the first trial it was maintained by the State that at about five o'clock of a certain afternoon, Mr. Molineux had mailed a package at the General Post Office in New York. It contained a very unpleasant substance, and it was addressed to Mr. Harry Cornish at the Knickerbocker Athletic Club. At the first trial, public opinion was strongly against the accused man, and the jury apparently believed the story of the "poison package," for they convicted him. Meanwhile, the address on this package was printed and reprinted in the papers, and endlessly discussed. At the second trial, public opinion had shifted, and there now appeared the Marvellous Female Witness: a married lady, this time. She had been at the Post Office on that very afternoon, and at that very hour, and she saw a man—*not* the prisoner —mailing a package. Her eye caught the ad-

dress: "Cornish" and "Knickerbocker"—yes, she was certain. Her husband didn't think much of this testimony and tried to keep her from appearing, but Mr. Molineux's lawyers thought very highly of it, and so they should have done, for it helped acquit their client.

If I were juror in an important case I should wish to see a most careful test made of witnesses who positively connect past events with certain exact dates; or who recognize persons in speeding automobiles, or who claim to recognize strangers, years after one view of them, and that, maybe, by moonlight, or by the "light of their cigars" (a favorite form of illumination in detective stories) or by an electric flash light. It is a strange form of electric torch, described by the Pig-Woman, which throws its light on the face of the person holding it. I should like to know what skill in woodcraft enables a person to creep up so close to strangers engaged in a criminous enterprise, that they may be recognized at night, and yet enables the observer to make an escape unnoticed.

The human desire to be at the centre of things, to be able to say "I saw that myself!" has an odd effect upon testimony. Many a sober citizen comes home at night to tell his family

that he heard the sound when the powder magazine blew up twenty miles away; or that he saw the crowd gathered around the eminent man who had dropped dead in the street. He wishes to think he heard and saw these things. Had he cared to investigate, he might have learned that the noise was a heavy door slammed in another part of the office building. As for the crowd in the street, they were looking at two newsboys fighting; the eminent man perished eight streets away, two hours earlier, and his body had already been removed.

If the officers of the law, after a murder, are trying to establish their belief that the murderer carried the body of his victim in a wagon down a certain country road, late at night, in order to dispose of it in a lake, and if they make their inquiries at the farm-houses on that road, they are practically certain to get the information they wish. Some farmer's wife was lying awake that night, or some woman who lives alone and is much given to brooding about things, heard the very sound. Yes, it was about half-past one. The wagon had one loose wheel, (the officers suggest) and made a rattling sound on the highway,—did she notice that?. Yes; she did; she thinks she did. She thinks about it for

a few more days, and at the end of that time, she *knows* she heard the sound. She would be angry if anybody suggested that she could be mistaken. She has heard of the murder, is shocked by it, and eager to help the cause of justice. She enjoys the prominence which comes to her as an important witness.

William James wrote: "The most frequent source of false memory is the accounts we give to others of our experiences. . . . We quote what we should have said or done rather than what we really said or did; and in the first telling we may be fully aware of the distinction, but ere long, the fiction expels the reality from memory and reigns in its stead alone. We think of what we wish had happened, of possible interpretation of acts, and soon we are unable to distinguish between things that actually happened and our own thoughts about what might have occurred."

The marvellous witness usually has a small basis of fact; upon a slight foundation he or she builds an enormous structure of fancy. She heard a shot—or something like a shot—on *some* night; she saw an automobile, heard a scream, or witnessed part of a quarrel on *some* night. Her mind is easily susceptible to sugges-

tion, and it has, working upon it, the powerful influence of sensational newspaper reports, and the gossip of neighbors.

The Phillips Farm and De Russey's Lane were the resorts of all varieties of folk: merely frisky folk, disreputable folk, and probably habitual criminals. The double murder which happened there would be unlike every other crime if it did not work upon persons easily influenced by suggestion, and make them really believe that they had witnessed wonders.

Postscript. (Written 1930)

The foregoing article was written and published in 1926, a short time before the beginning of the only trial held in the Hall-Mills case. The Grand Jury, in the year of the murders (1922) refused to indict anyone. Four years later (in 1926) another Grand Jury indicted Mrs. Hall, her two brothers, and a cousin, for the crimes. This was done partly as a result of some evidence given in connection with the divorce proceedings of a former servant in the Halls' home. At the trial, this evidence failed altogether.

Chiefly, however, the indictment was procured because of what was alleged to be a fin-

ger-print of one of Mrs. Hall's brothers, found on Doctor Hall's visiting card, which was discovered near his body. This card came to light through the efforts of the editor of a yellow journal, then engaged in trying to increase his circulation. It would insult any intelligent person to assert that he would accuse a mouse of stealing cheese on the strength of any document emanating from the office of a paper of this character.

After the trial was over, and the defendants had been acquitted, they risked the re-opening of the entire case, by instituting a suit for criminal libel against the owner of the paper. The newspaper owner settled, out of court, for what were stated in the press to be the heaviest damages ever paid in a suit of this kind.

In 1926, however, the functions of government in New Jersey seemed to operate at the dictation of the editor of this tabloid newspaper. One of the defendants, Mrs. Hall, was arrested at an unearthly hour of night for no reason except to allow the reporters and photographers from this paper to get a scoop. Another of the defendants was arrested on a flimsy accusation, kept in prison for months, and finally released without a trial.

The trial of the Messrs. Stevens and Mrs. Hall was a national sensation, for weeks. It came to a climax in one of the strangest scenes ever beheld in an American court; one which placed Mrs. Gibson, the Pig-Woman, in the front rank as a Marvellous Female Witness.

The newspaper which was cheering on the prosecution, and the public prosecutor, had been spreading the news that the Pig-Woman was dying, and that her statements were as precious as if she were speaking from the grave. Rumors of her desperate illness came from the hospital. (After the trial she recovered, and lived four years longer.) But, on a dark and gloomy afternoon, during the trial, Mrs. Gibson was dramatically borne into Court on her hospital bed. She delivered her accusations in a weird, wailing voice, while a trained nurse stood at either pulse, and the Court stenographer relayed her remarks to the jury.

Her story of her recognition of Mrs. Hall and her brothers at the scene of the crime had strengthened enormously each time she told it, and now it appeared to some people—who were not in Court—as very effective. As she was borne out she did not fail to remember her cue, but shook her palsied hand at Mrs. Hall, and croaked out her final words of accusation.

There was practically no one so simple as not to recognize this as a cunning piece of stage-management. Her appearance as an invalid, on her "death-bed," was supposed to arouse sympathy in her behalf, and it certainly was an effective protection against rigorous cross-examination. She had strength to accuse, but it was cruelty to question her afterwards. All was done that clever demagogues could do to represent Mrs. Gibson as a poor, but virtuous daughter of the soil; while it was earnestly sought to show the defendants and their lawyers as sinful millionaires, living in luxury, and waited upon by "liveried servants." (The staff of servants in the Hall establishment consisted of two maids.)

The appearance of the Pig-Woman in this trial has a curious and very close parallel in the trial of La Roncière, mentioned elsewhere in this book. In that case, a pathological liar, a young girl named Marie de Morell, brought accusations against a cavalry officer, not only of writing a great number of scandalous and anonymous letters, but of attempting a criminal assault upon herself. There is no doubt, now, that she wrote the letters, and that she invented the assault. But when the case was heard, the

girl was having periodical "nervous attacks," of such a kind, and occurring so frequently every day, that she could be examined in Court only at midnight. At that hour, and under dramatic circumstances which aroused sympathy for her, and protected her from cross-examination, she entered the Court, as a feeble invalid, and uttered her false accusations.

Afterwards, however, the parallel ceases: the French jury were bamboozled; the American jury were not.

The motive force which set about the prosecution in the Hall-Mills case was, first of all, yellow journalism. Secondly, there were political animosities and local class hatred. The State's case, plainly weak at the beginning, became, as the trial advanced, almost farcical. A jail-bird was brought across the continent to make accusations of bribery against a deceased official. Other witnesses were of that credulous variety which believes in the old superstition about "a murderer returning to the scene of his crime." Finally, the limits of absurdity were reached when the prosecutor put on a character witness to testify as to Mrs. Gibson's reputation for veracity, and this witness calmly stated that the woman's reputation was "not so good"!

In view of the collapse of the case for the State, and the excellent impression of all three defendants under cross-examination on the witness stand, it was not surprising that the jury reported an acquittal. There was no longer any chance for the loose talk about "bribery," which had been rife for four years. This gossip depended upon supposing that the families of the defendants possessed the wealth of the Indies, and that in 1922 every officer of the State of New Jersey, high and low, was basely corrupt.

The jurymen, after the trial, talked freely to the newspapers, and said that they had dismissed the testimony of the Pig-Woman altogether. Said the New York *Evening Post* (December 4, 1926):

"About Jane Gibson there was no disagreement. The jury, to a man, thought her a liar."

Jane Gibson remained; a figure of great interest and importance. It is charitable to believe that she may have witnessed some persons or other, quarrelling, on some night or other, and that her recollection of it, and her stories about it, grew—partly through a love of notoriety; partly through a desire to sell her yarns to the yellow press; and partly through the workings of a mind which was possibly clouded by narcotics.

That is the charitable view. If, however, one tries merely to ascertain probabilities about her testimony, it must be seen that hers was a dubious character, and that her actions were, by her own story, highly suspicious. She had led a roving and none too reputable life, and preferred to go under the name of Gibson, rather than her own. She was accustomed to the use of firearms, and to the reckless use of them. On one occasion she fired a shot gun at a number of reporters in a motor-car, because they were trespassing or otherwise annoying her. She had employed a knife in the slaughter of pigs, and had no feminine tremors about bloodshed.

She was used, according to her own story, to roam about at night, armed, and in search of supposed thieves and trespassers. Such a person, believing herself persecuted and robbed, and being that night engaged in chasing robbers, could easily fire at the first people she came across in the darkness. She fled in terror, so she testified, from the quarrel which she witnessed on the night of the murders. But she returned to the scene, for the inadequate motive of recovering a lost moccasin. This was, indeed, a poor motive to bring back an innocent and timorous

witness to the scene of a crime. But it might well have been a compelling motive to bring back one who could not afford to leave such an inconvenient bit of evidence behind her.

There were published, this year, under the title "Memoirs of a Murder Man," the recollections of Inspector Arthur A. Carey, for twenty years or more the Chief of the Homicide Bureau of the New York Police. Inspector Carey, writing as an interested professional observer, briefly discusses the Hall-Mills case. He believes that the theft of Mr. Hall's watch, chain and wallet is a significant fact, pointing to a murderer of the type known as "bushwhacker" —a criminal "who slays wantonly as a prelude or aftermath to robbery."

The Inspector gives no serious attention to the charges prosecuted against the clergyman's family, but dismisses these charges as part of the "colorful, insinuating background" usually provided in such cases by the newspapers, in order to make "sensational reading."

There are many passages in Inspector Carey's book which ought to be read, especially by that large section of the public which, with unfailing regularity, goes astray in the discussion of

every mysterious crime. The situation in America with regard to crimes of violence is made even worse by the ease with which public opinion is deluded as to possible offenders. On the one hand, the writers of nearly all the "crook plays," and fully half the detective stories, present the person on trial as *always* innocent. On the other hand, the yellow newspapers invariably hunt about for a prominent person as the murderer—a "millionaire," if possible, or a woman "high in society." To this rubbish the views of an experienced detective like Inspector Carey make a refreshing contrast.

Those who love to suspect "the man higher-up," the wealthy villain of melodrama, would, of course, be grieved to read the Inspector's opinion that the slayer of Mr. Elwell, in New York, was no Wall Street magnate, nor vengeful "society woman," but merely "a type of thief known as an unoccupied house-worker, or possibly a letter thief." This destroys not only the attractive picture of wickedness in high places, but the notion of a campaign of bribery after the deed.

A sane, but romantically disappointing view of a number of "Broadway" murders is expressed by Mr. Carey. Because the police and

the district attorney used their common sense, and recognized the crimes as those of professional thieves, the yellow press and its gulls were very angry. The police had eliminated from the scenes their "most glamorous" figures!

In 1922, the officials in New Jersey kept their heads. Four years later, egged on by the editor of a yellow journal, they spent thousands of dollars of the public money in hounding four innocent persons.

XIV

WAS POE A DETECTIVE?

It is far easier to know the fiction about the death of Mary Cecilia Rogers, than to learn the facts. The fiction is set forth in a long, and, it must be admitted, rather tedious story by Edgar Allan Poe: "The Mystery of Marie Rogêt."

The facts, as there never was any trial, must be sought in the files of the New York newspapers of the late summer of 1841—when this sensational murder, discussed by everyone, was mentioned perhaps not more than thrice a week, usually in a paragraph of small type, tucked away on the editorial page. The sight of me, hunting for the news, would be enough to make my optician beam with honest pleasure.

These are the facts. Miss Rogers lived with her mother, who kept a boarding-house at 126 Nassau Street. She was already somewhat celebrated in New York, as "the beautiful cigar girl," because of her career as a clerk in John Anderson's tobacco shop on Broadway. She is said to have been known by Poe, Fenimore Cooper and Washington Irving. Mr. Anderson

frankly engaged her with the idea that her good looks and vivacity would attract custom—as they did. She had figured in a mysterious disappearance, when, for no reason ever given out, she was absent from the cigar-shop and from home, for one week. At a later date, *The Commercial Advertiser* unkindly suggested that this was done to attract attention to Mr. Anderson's shop—that it was a humble forerunner of what we call "a publicity stunt."

After her return, she soon resigned her position and went home to help her mother. She had had a number of suitors; one of whom was Alfred Cromeline. Her betrothed was now understood to be Daniel Payne, a boarder at her mother's house.

At ten o'clock on Sunday morning, July 25, Miss Rogers knocked at Payne's door, as he was shaving, and told him that she was going to spend the day at the house of a relative, Mrs. Downing, who lived in Jane Street. Payne understood that he was to call for her in the evening, as usual. The girl then set out alone, and disappeared from human knowledge.

She never reached Mrs. Downing's. Payne did not call for her at night, because of a violent thunder storm, which made him think she

would prefer to stay indoors. She had not returned on Monday. On Tuesday her friends advertised for her in *The Sun*. On Wednesday, three men in a sailboat, near the "Sybil's Cave" at Castle Point, Hoboken, found the body of a woman floating in the water. They brought it ashore and, although recognition was difficult, it was identified beyond all doubt as the body of Mary Rogers.

Cromeline made the identification and testified at the inquest. He could not account for her presence near Hoboken, and thought she must have been decoyed thither. He gave her a high reputation—as did everyone who had known her—for all the virtues, including truthfulness and modesty and discretion.

Doctor Cook, who performed the autopsy, also testified at the inquest, and later, when the excitement had grown intense, made a long statement to the Mayor of New York. He asserted with surprising assurance that she had not been drowned; that she was a maiden of spotless character, who had fallen into the hands of a gang of brutal ruffians by whom she had been grossly mistreated and murdered. There were many items in the papers, that summer, about gangsters and toughs who hung about

New York, the riverside, the beaches and suburbs, and engaged in savage attacks upon women.

All Miss Rogers's suitors and male acquaintances fell under suspicion. Payne made a long statement to the magistrates, and furnished a satisfactory alibi. Cromeline easily demonstrated his innocence, although it did come out that there was still some slight *tendresse* betwixt him and the young lady. On the day before the murder, so it appeared in testimony, her name had been written on the slate outside his office door, and a rose had been romantically left in the keyhole.

A sailor, who had rather hastily enlisted on U. S. S. *North Carolina,* was dragged off that ship and examined. He had formerly lived at Mrs. Rogers's house, and his brother was one of Miss Mary's numerous group of suitors. He was allowed to go aboard the *North Carolina* again, but the process of taking him ashore, and returning him to his ship, was twice repeated.

A man named Morse, who was a wood-engraver, attracted attention to himself by fleeing suddenly to Worcester, Mass. He was a stout person, with black side-whiskers. When the police overtook him, he had, evidently for the purpose of disguise, sacrificed these ornaments. It

presently appeared that, on Sunday the 25th, Mr. Morse had taken part in a very indiscreet expedition to Staten Island, with a young lady in black. He had left her, alive and well, but it had occurred to him that perhaps she might have been Mary Rogers—and if so, he would be falsely accused of the murder.

The young lady in black was found, and she corroborated Mr. Morse's story, in every particular—although she was exceedingly annoyed by so much public notice. The expedition to Staten Island, so both of them testified, resulted in no fracture of the law nor of the moral code, but it was a social blunder, and Mr. Morse's side-whiskers and the reputation of the young lady were both, temporarily, at least, in ruins.

Nothing happened for many weeks; no good came from Governor Seward's proclamation, offering $750 as a reward for information. Early in September some boys found, near Weehawken, what was supposed to be the scene of the crime. Signs of a struggle; bits of torn garments and rails of a fence let down—as if for the purpose of dragging a body—convinced nearly everyone that here Mary Rogers had perished.

The New York *Herald* was making early experiments with illustration, and, emboldened by

his success in a striking picture of President Harrison's inauguration the preceding March, its artist now essayed a view of the "fatal spot." The sketch could pass equally for a simoom in the Arabian desert, or twilight in a drunkard's stomach.

A few days later the *Herald* printed an interesting speculation. It was that Miss Rogers might have been at this place with a man, and that both might have been set upon and killed by "rowdies." Or that the man might have committed the crime alone; afterwards tying a rope, or a piece of the dress, to the body, and dragging it to the river.

Next day, Samuel Adams, a printer missing from New York, was discovered, all boxed up by Mr. John C. Colt, ready for shipment to St. Louis. Thus, a new murder case tended to supplant the interest in Mary Rogers.

Early in October, Daniel Payne was found, dying, near the supposed scene of his sweetheart's murder. An empty bottle, labelled "laudanum," was near him, but the final opinion of the coroner's jury was that "congestion of the brain, brought about by irregular living, exposure, aberration of the mind" had caused his death. Guilt of the murder was not suggested,

even by those who believed the young man had killed himself.

Such are the facts, so far as I could unearth them in the newspapers available to me.

The fiction appearing the following year, in Poe's story of the Parisian *grisette, Marie Rogêt,* is widely known—how he translates everything to Paris; calls Nassau Street, *Rue Pavée Sainte Andrée;* the cigar shop, *M. Le Blanc's perfumery;* re-names Daniel Payne as *St. Eustache,* and Cromeline as *M. Beauvais,* and puts the solution in the hands of his detective, *Dupin.*

This Parisian master of reasoning and detection argues learnedly to show: (1st) that the body was really Mary's—and not, as a newspaper had suggested, that of an unknown; (2nd) that the idea of murder by a gang was wrong; and that the doctor was a fool; (3rd) that the murder took place on land, after which the body was dragged into a boat (as suggested by the *Herald*), rowed out into the stream and thrown overboard. The murderer then hurried to a wharf on the New York side, leaped ashore and let the boat drift away. (4th) That the things found at Weehawken were a "plant." (5th) That the murderer was a former lover,

the man with whom she had eloped on her earlier disappearance, and that he was a naval officer.

Poe trifles with facts a little—as he had a perfect right to do. That he does so to any great extent, I cannot assert, not having access to all the newspapers which he read. Mr. Charles E. Pearce, an English writer, who has discussed this case, failed to find, in the newspapers available to him, the account of the discovery of the alleged scene of the crime at Weehawken, or of Payne's suicide. He thought, therefore, that Poe had possibly invented these, and that Inspector Byrnes, who also wrote about the murder, had swallowed Poe's invention as truth.

Mr. Allan Nevins, in his edition of Philip Hone's "Diary," says (upon what authority I do not know) that the crime was not murder, but manslaughter, the result of an illegal operation, and that a former lover (not Payne) was guilty. Both Poe and Mr. Nevins disbelieve the surgeon who performed the autopsy.

Mary Rogers's ghost appeared in a New York Court, as late as 1901, when, in the case *Appleton vs. New York Life Insurance Co.*, it was testified that Mr. Anderson had believed himself haunted by the spirit of his pretty clerk,

who imparted to him the names of her murderers. It was, however, "a spiritual secret."

Poe's solution would be more impressive to me if he had not added a foot-note, when the story appeared in book-form in '45. He said that two confessions (made between '42 and '45) had confirmed his (or Dupin's) conclusions. I am suspicious of nearly all "confessions," whether believed in by Poe, or any other romancer. If somebody can dig these confessions out of the newspaper files, however, he shall have my thanks, and a letter to my oculist. A dog on a string, and a stick, will perhaps be more to the purpose.

My conclusions—rather trifling, I admit—are that some of Dupin's theories had been anticipated by the *Herald;* that Poe, in writing fiction about the case, was in the position of being able to depart from fact when he liked, and adhere to it when it suited his purpose; that he was first and last a romancer, and a devotee of the hoax; and that the theory that he actually solved the mystery of the death of the real Mary Rogers is not proven, and is very doubtful.

XV

THE OCCASIONALLY VEILED MURDERESS

If someone should compile a "Murderers' Who's Who," in the manner in which Mr. Philip Gosse has written one for the Pirates, the pages devoted to the letter R would be heavy, especially with the Robinson family.

A highly respectable group of God-fearing citizens, beyond a doubt,—yet the name *does* recur in the history of homicide. Usually, moreover, they have been successful in evading the utmost rigors of the law. It is true that Peter Robinson, who abolished one Abraham Suydam in New Jersey, some eighty years ago, suffered the extreme penalty. But that was an age known to be hard-hearted.

Later members of the clan have been more successful. Sarah Jane Robinson of Massachusetts removed seven persons, with the favorite weapon of ladies: powdered arsenic, and, as a tribute to her sex, she was allowed to retire to prison and to the active profession of religion. Richard P. Robinson of New York slew the attractive Miss Jewett, yet he was exhibited to

the jury as "this *poor* boy,"—pronounced in tear-compelling tones by his counsel. A clergyman of the city even extolled Mr. Robinson's deed, since Miss Jewett was one whose way of life has been disapproved by the prophet Isaiah, as well as by King David. So the jury let Mr. Robinson go forth to freedom.

Coming to Henrietta Robinson, we find that her real name is unknown; it has been made the subject of much speculation and debate. She raised a thick fog of mystery about herself and claimed exalted relationships. One of her assertions was that she had adopted the name of Robinson as a tribute to her ancestress, who had for a lover no less a person than King George III. So, Mrs. Henrietta Robinson, dwelling somewhat obscurely in Troy, N. Y., in 1853, was of the blood royal. To doubt it was ungallant.

Across the street from her home was the grocery of her neighbor, Timothy Lanagan, a humble, uneducated, honest Irishman. Lanagan lived with his wife and sister-in-law, and Mrs. Robinson was their stormy and troublesome customer, guest and debtor. She had once attended a small and rather exclusive dance at the Lanagans'. During the evening, one of the gen-

tlemen said something which she took as an affront. She promptly drew a pistol and was about to show that one did not with impunity insult a lady in whose veins flowed the blood of the Robinsons, to say nothing of that of the House of Hanover. Mrs. Lanagan ejected her on this occasion, but Mrs. Robinson took a proper revenge, by returning a few days later and roundly abusing the grocer and his wife. She also threatened to withdraw her patronage, and for a time actually did so.

In the month of May, however, all seemed peaceful between the royal exile and her neighbors. Mrs. Robinson came one morning to the grocery, at the hour of six, and called for "a quart of strong beer and a pound of soda crackers." It seems, to me, a strange request, but this may be because, in my simpler existence, if I am conscious at all at 6 A. M., it is of breakfast and not of beer that I think. Mrs. Robinson's social life was broader: this may have been the end, and not the beginning of the day for her,—she was perhaps laying in provender for a little late supper with a round of cards.

This suggestion gains support from the fact that at 8 o'clock she sent her gardener to the Lanagans to ask for a loan of $2. There was

a little delay—Mrs. Lanagan had to send out to borrow the money—and Mrs. Robinson followed her messenger in person, complaining of the fact that she had been forced to wait. She made one or two more appearances during the morning, and finally dropped in upon the family at an hour—1 o'clock—which left them no alternative but to invite her to luncheon.

She offered, however, to treat everyone to beer, and after some demur, Mr. Lanagan and Catherine Lubee, his sister-in-law, each accepted a glass at her hands. Mrs. Lanagan persisted in her declaration that she didn't wish any beer. Mrs. Robinson prescribed powdered sugar to mix with the drink, putting it in herself, and going forward and back in the store, sometimes with a saucer and sometimes with a small paper in her hand.

Lanagan and the girl drank, and two hours later were seized with illness. The agonies, attendant upon poisoning by arsenic, were in this instance mercifully short: both victims were dead on the next day. Mrs. Robinson was found to have bought arsenic a short time before; a package of it was discovered under a carpet in her house; and the same poison proved to be in the bodies of the dead persons.

Wherefore, some indignation was felt in Troy, and, it being the opinion that a breach of the law had been committed, the Trojans sent their officers to detain Mrs. Robinson.

With the arrest, however, her campaign opened. She had always fought all who opposed her will, and she hit below the belt. To this day, it is disputed whether the explanation of her career was alcoholism or mental derangement. Both played some part in her life: she sometimes drank to excess, and, years later, she actually developed insanity. At the time of these murders, it is probable that she was of a not uncommon type: a cruel egotist, a person without compassion, who could calmly send half a dozen persons to their deaths if that suited her convenience, or gratified her desire for revenge.

She deceived no alienist when she counterfeited insanity in the usual clumsy manner: by singing and raving. Her own opinion of her mental state was probably quite correct, as it was given to her lawyer, in court. At the end of his speech, she leaned forward and whispered:

"A very able speech, Mr. Townsend, but you might have said all that was necessary in fifteen minutes. The idea of my insanity is absurd."

At this point in the trial, she had probably

decided that she could hope for an acquittal, and wished to escape all further detention, either in prison or in an asylum. Her conduct in court, nearly all the time, was placid, and marked by only one eccentricity. This, however, made her nationally famous, and resulted in her being described by the phrase by which she is still known. She sat throughout the proceedings with her face covered by a thick, blue veil. Even in jail she concealed her face as much as possible. Her lawyers pleaded with her, and the judge threatened, but only once or twice did she raise the veil, and then it was to hold a fan in front of her features. So, as the "Veiled Murderess" she became celebrated.

There is a very simple explanation of this, which does not seem to have occurred to anybody,—not even to David Wilson, who wrote a biography of her, and embellished it with a portrait.* The detected poisoner is frequently no beginner in the art, and it is possible that Mrs. Robinson had other crimes in her record than the murder of Lanagan and Catherine Lubee. It would naturally be injurious to her if she were recognized. Or, it may be that she was

*In this portrait she wears a sort of mantilla, but, far from being veiled, is considerably *décolleté*.

shrewd enough to know the value of making herself interesting to the public. The murderer who becomes a romantic figure, often has a better chance of escaping severe punishment.

At all events, the legend about the "Veiled Murderess" became established, and now it can never be destroyed. Some former pupil at the Emma Willard School in Troy thought she recognized in Mrs. Robinson a classmate at that school. She identified this pupil as a Miss Wood, member of a very good family in Quebec. She was said, at first, to be Miss Emma Wood, who had married an officer in the British Army, but when the falsity of this was shown—by proving that the former Miss Emma Wood was living in England—the legend-makers settled on the notion that Mrs. Robinson was Miss Charlotte Wood. This was even better as a tale, since Miss Charlotte had married Sir William Elliott.

The "Veiled Murderess," then, was Lady Elliott,—runaway wife of "a scion of the British nobility." The fact that Lady Elliott had lived, had died, and is now buried in England can do nothing to destroy the fiction.

The public loves a glamorous story about a crime. It loves a false story as well, if not bet-

ter, than a true one, and not the Archangels themselves can demolish a legend like this about Mrs. Robinson. It lives forever, because people believe what they *wish* to believe.

No medical evidence of any weight was produced to show that Mrs. Robinson was insane. The jury saw that the crime had been carefully planned, and they found her guilty. The higher court confirmed the verdict, and she was sentenced to death. At last she found her will balked, and was reduced to shouting interruptions, to abusing her counsel, the sheriff, and everyone else; and finally, in the manner of one who was in the perfect confidence of the Almighty, to calling down Heavenly vengeance on the Judge.

Because she was a woman, and not, apparently, because of any belief in her lack of responsibility for her act, the Governor commuted the sentence to life imprisonment. She was taken to Sing Sing; later to Auburn; and later still (more than twenty years after her crime) to the Matteawan State Asylum. There she died in 1905. She is said to have been seventy-eight years old.

At her death, the story was promptly revived of her identity with Lady Elliott, and an As-

sociated Press dispatch carried it over the country. The Wood family, as long as they lived, had denied and disproved the persistent rumor. A Canadian historian has disproved it again conclusively. All quite in vain.

XVI

THE MAN PAYS—SOMETIMES

It is an axiom of the dramatist that the prosecuting attorney is a villain; the hero or heroine is the prisoner at the bar,—accused, but always totally innocent, of murder. Mr. Veiller's "The Trial of Mary Dugan" is a highly interesting play. Many in the audience go away confirmed in their belief that the law is occupied in hustling charming and innocent young ladies into the electric chair. Occasionally, one of them may escape, if—like Miss Dugan—she happens to have an inspired young attorney in the person of her devoted brother,—one who can discover overnight the truth which has eluded the police for months. But even so, the escape is only by a narrow squeak.

There is a harrowing scene at the beginning of the play, when a young Italian woman is sentenced. All that the little *signorina* has done is to murder her mother, yet the hard-hearted judge condemns her to death as if she had really committed a serious offense. She is dragged out of Court, screaming piteously, and we are all

supposed to thrill with horror at her impending fate. Considering that the Court was in the State of New York, I felt perfectly calm: she still might be called "a good risk." New York has executed only one woman in thirty years and only four or five in more than a century. All this time women have been murdering blithely, right and left. The open season for ducks on Long Island is a few autumn months, but it's all the year round for husbands.

Folk have no need to agitate themselves about the throngs of innocents hounded to the gallows or the electric chair by brutal police, hectoring district-attorneys and corrupt judges. If they would read a few trials, in place of mystery novels; or attend some court sessions instead of crook plays, they might recover their peace of mind. It is a long and hard process to get a murderer convicted, much harder to get him executed. With a woman, she needs must poison an entire orphan asylum before anybody dare suggest anything so harsh. Consider Mr. and Mrs. Twitchell of Philadelphia; and that they did not live in our more merciful times, but in the cruel and brutal days over half a century ago,—to be exact, 1868.

They dwelt with Mrs. Twitchell's mother,

Mrs. Hill. One Sunday evening in November their servant, Sarah Campbell, came back from church. It was only nine o'clock, but the Twitchell house was piously closed, locked and in darkness. Sarah rang the bell more than once, and at last the master came downstairs, and let her in. He was clad as if hastily arisen from slumber, wearing a dressing-gown or similar costume. He said that it was a cold night; yawned; and then musingly remarked:

"Where do you think Mother would be?"

Sarah Campbell had no notion where Mother would be, except in the house. She had never thought of Mrs. Hill as a wanderer on Sunday evenings. She made no definite reply but went into the kitchen to attend to the fire, while Mr. Twitchell returned upstairs, leaving the problem of Mother still unsolved. Sarah went to the kitchen door, and while there looked out into the yard. Then she saw something which caused her to bring a candle in order to have a better view. She perceived it to be Mrs. Hill, lying on the ground outside. She shouted to Mr. Twitchell, who came downstairs and made an inspection for himself. Then he called upon the name of his Creator, and added:

"What is this?"

He further said:

"Will someone assist me in carrying her in?"

It will be noticed that these were the courtly days when nobody said "help," in place of the more ceremonious "assist." There were certain conventions to be observed even directly after slaughtering your mother-in-law. They got the body of the dead woman inside, and Mr. Twitchell began to try cold water as a restorative.

How Mr. W. N. G. Morrell got into the house, I do not know, but in the narrative of the case he soon appears; a neighbor, but also a representative of indignant public opinion. He was there by half-past nine, and as soon as he entered met Mrs. Twitchell. This lady remarked:

"Mother has been killed!"

Mr. Morrell delicately inquired how the disaster had happened, and the bereaved daughter replied:

"Fell out of the second-story window."

Mr. Morrell was amazed. He had known Mrs. Hill in her life-time, and there was nothing in her character or conduct at all flighty or erratic. She was the last woman of whom he expected to hear that she had fallen out of the

window on a Sunday evening. This was a respectable section of Philadelphia, where the residents were not given to vagaries. He expressed polite incredulity and accompanied her to the room where Mr. Twitchell was still applying first-aid. The neighbor went here and there about the house, finding blood on the window sash, on the stairs and elsewhere. His state of mind became like that of Doctor Watson, when the doctor used to exclaim:

"Holmes, there is something *sinister* about this!"

Finally, Mr. Morrell went to Mr. and Mrs. Twitchell again, and asked if there were anybody else in the house. When they said there was not, Mr. Morrell then assumed command, remarking:

"One of you two has committed this murder."

They made no reply, and Mr. Morrell insisted on the officer taking them in charge. The officer, who had evidently entered silently (at left), did as he was told, and carried the husband and wife off to jail, in an elegant barouche, as the illustration shows. Mrs. Twitchell, on the way, begged her husband to clear her of guilt. At the jail the lady was questioned about

the murder, and possible motive. She said that she supposed a burglar had come in and killed Mrs. Hill for the purpose of robbery. She added that her mother "was in the habit of carrying from $2,000 to $3,000 in her bosom," and moreover that she told people she carried it there. The burglar theory seemed slightly incredible. The police pointed out that the Twitchells kept two or three particularly obstreperous dogs in the house, who never ceased barking noisily every time that visitors were there. Why had they not aroused the Twitchells during the burglary and murder?

It appeared that the Twitchells would profit by the death of Mrs. Hill; that the dead woman had accused them both of robbing her at various times; and that her son-in-law had made violent threats against her life, and spoken of her in terms which would not be thought good form even to-day. Altogether it might seem that this was a fairly clear case. Were they then railroaded to the gallows by a vindictive prosecuting attorney, when actually the murder had been done by the lawyer for the defense, or a neighboring millionaire, or by the bearded policeman himself, who had come down the chimney or obtained entrance by some other fantastic

"TELL THEM YOU DID IT, GEORGE!"

method? Not any of these things had happened.

The friends of Mr. Twitchell began to write pleasant letters about him to the papers. They began to try the familiar business of painting the murderer as a lamb, and his victim as a very obnoxious person. He was a gentleman, highly esteemed, they said, not only for his "plain, unassuming manner" but for "his moral and correct business habits." The correspondents further wrote that "Keeping a horse and carriage has given some the idea that he was fast; but he was the contrary."

The trial was called of both the prisoners, but they asked for separate hearings, which were granted. The proceedings in the case of Mr. Twitchell lasted for *two weeks*. What they could find to talk about would be hard to understand,—it might be, at least, for those who do not realize how public opinion in America has always allowed lawyers, defending a murderer, to delay, deny, and obfuscate justice. We are a business-like people, and there is only one form of the taking of human life to which we have any objection, and that is the execution of a convicted murderer after fair trial in due process of law.

The jury found Twitchell guilty. He was

supported in Court, not by his wife, but by a mysterious person called, by the papers, "young McCully," who was in "deep anguish." Some weeks later, Twitchell's motion for a new trial was over-ruled, and he was sentenced to death. On this occasion young McCully fell to the floor with a groan of agony. A few months later, in the presence of the Reverend Mr. George Bringhurst and another, Mr. Twitchell made a confession. The gallant husband now said:

"I went to my room on the night of the murder, and instead of going to bed I laid down on the lounge in my room, and fell asleep. My wife was in bed at the time. I was roused by her repeated calls, and ran down to the dining-room, where I found her much excited, saying, 'I have had a quarrel with mother and killed her'; I do not know whether she said 'save me!' or 'help me hide it!' but at last we threw the body of Mrs. Hill out of the window to make it look as if she fell out; I went down stairs and washed my hands and face at the hydrant; then went to my room, undressed, and went to bed; my wife came up afterwards and got into bed, where we stayed till Sarah Campbell rung the bell. I think we were in bed ten or twenty minutes. I made a solemn vow to the Eternal God that night that

I would never reveal it; but I cannot keep it any longer. I am sorry that I have said *I knew nothing of it;* but I did it with the vow in my mind, and to save my wife. I now make these disclosures that I may have peace with God."

This did not convince anybody. Other legal manœuvres failed to help him. At last somebody—perchance young McCully—conveyed into Mr. Twitchell's cell a bottle of prussic acid, —and the hangman never had to be called to officiate. Mrs. Twitchell had not been hanged nor even tried, up to the time of going to press. I doubt that she ever received any severe punishment.

After the murder of Guldensuppe in New York, William Thorn went to the chair. His guiltier partner in the enterprise, Mrs. Nack, served a few years in prison. These are reasons why my chill heart was unmoved, when, in the first act of "The Trial of Mary Dugan," the accomplished actress was removed shrieking, in protest against the death sentence.

XVII

THE HANGING OF HICKS THE PIRATE

In March, a few months before Abraham Lincoln was first nominated for the Presidency, New York was excited about a tragedy on the "high seas." The seas were really no higher than those to be found in the lower harbor, and the ship concerned was a humble sloop, with the unimaginative name of *E. A. Johnson.* She belonged in Islip, L. I., and under command of a mariner named Captain Burr, was in the habit of snaring oysters in Virginian waters, and bringing them back to the New York market.

She had sailed on one of her oyster-catching voyages, manned by the Captain, and three sailors,—a gloomy person called William Johnson, and two blameless boys, Smith Watts and Oliver Watts, brothers. She progressed no further than the Romer Shoals, and there was picked up and boarded by the schooner *Telegraph* of New London.

All was not happy on board the *E. A. Johnson.* For one thing, she had been in a collision, and had her bowsprit carried away. Next, she

was quite deserted: neither Captain Burr, nor the Watts boys, nor Sailor Johnson was visible. A tug brought the sloop up to Fulton Market slip, and the reporters for the newspapers came down to look at her. These young men, all wearing chin beards in the correct and sporting manner of the day, found on the deck and in the cabin of the *E. A. Johnson* what they agreed in calling "unmistakable evidences of foul play."

There was blood all over the ship; pools of blood in some places; in others, stains, where an effort had been made to wash away the unpleasant signs of murder. There were two or three stray locks of hair. Furniture was upset in the cabin, and there were found coats and shirts, cut and gashed in the struggle. These were not proper to an honest oyster-man, and the police began to hunt for her crew.

It appeared that another schooner had been in collision with the oyster-ship, early that morning, off Staten Island, and that the crew had seen one man leave the *E. A. Johnson* in a boat. Two kind gentlemen, named Burke and Kelly, who lived in a "low tenement house" on Cedar Street, told the police that Sailor Johnson lived in the same house, and that, moreover, the sailor had returned unexpectedly with an

unusual amount of money. He had won this, so he said, as prize money for picking up a sloop in the lower bay. Messrs. Kelly and Burke added that their friend had then departed for Providence, R. I., via the Fall River steamer, taking his wife and child with him.

Further interesting information came from the keeper of an eating house at the Vanderbilt landing. He had seen someone like Johnson, who had "made himself conspicuous,"—in what way, I do not know, but probably by his choice of refreshment, since he had "indulged freely in oysters, hot gins, and eggs." One would have thought that the oyster would have been a creature accursed in his sight, but it was not so.

Two police officers went to Providence in pursuit of the sailor. They had mild adventures for a day or two, but at last, by means of what is sometimes called clever detective work, spotted their prey. Some young man, who wishes to become a detective, may read this, so I will explain how this clever detective work is carried on. It is done by going to a great number of persons, one after another, and asking them:

"Say, have you seen a feller who looks thus an' so around here, anywhere?"

The officers found Sailor Johnson asleep in

a lodging house, and arrested him. His name was not Johnson at all, it was Albert W. Hicks, but whether he told them that, or whether Mrs. Hicks gave it away, I have been unable to discover. He had with him about $120 in bills; Captain Burr's watch, and some other property, the possession of which tended to create rather an unfavorable impression in the minds of the police.

This prejudice influenced the citizens of New London, as well, for when the prisoner passed through that city on his way back to New York, the New Londoners (all wearing tall hats) made a rush for the railroad train, and insisted on the privilege of lynching Mr. Hicks. The two officers (in ulsters nd tall hats), their left hands raised in deprecatory gesture, and their right hands holding small revolvers, waved away the citizenry, and landed their captive safely in a New York jail.

Here he was presently visited by his wife, who held his child up in front of the cell, and addressed the prisoner in the following remarkable language:

"Look at your offspring, you rascal, and think what you have brought on us. If I could get in at you I would pull your bloody heart out."

Her husband replied with dignity and calm:

"Why, my dear wife, I've done nothing,—it will be all right in a day or two."

He continued his cold indifference during the five days of his trial, which took place in May. Although he had been indicted for the murders of Captain Burr and the two boys, he was tried on the indictment for piracy. Murder, at sea or ashore, is equally objectionable to the law, but Hicks had made the grievous mistake of committing robbery "upon the high seas, or in any basin or bay within the admiralty maritime jurisdiction of the United States." This, Congress had said in 1820, was piracy, and punishable with death. Hicks' appearance, as shown in his portrait, does not satisfy our fancies of a pirate, but the law treated him with as much careful ceremony as could have been afforded to Blackbeard himself. Moreover, the money which he pilfered from the Captain was really in gold and silver,—in that respect the story is not altogether prosaic. Hicks had changed it into bills before leaving New York.

During the trial there appeared Catherine Dickinson, the seventeen-year-old sweetheart of young Oliver Watts. She testified that the lock

of hair found on the sloop came from her lover's head; and that a daguerreotype, found in Hicks' possession, was a portrait of herself, which she had given to Oliver. While the taking-off of Hicks was grotesque, hideous, and unpleasantly public, I am willing to leave to others the task of weeping for him.

After his conviction (it took the jury but seven minutes of deliberation) Hicks published one of the most elaborate and highly ornamented confessions ever attributed to a native of Foster, R. I. In it, he gave himself the worst of characters; acknowledged an unholy itch for wealth and complete absence of good taste in his methods of getting it. Very early in his life he stumbled into evil ways in Norwich, Conn. A few years later, going 'round the Horn, he reached "Wahoo" in the Sandwich Islands. Here he deserted specialization, and embarked on sin in general.

He says briefly, "I engaged in every kind of wickedness."

Robbery, mutiny and murder—so he asserted—became as much a part of his daily programme as coffee, tea and grog.

He transferred his attentions to Lower California; "dyed his hands in human blood" he

knew not how often; and made himself thoroughly objectionable.

"The old man," he writes, "whose grey hairs glistened in the moonlight, and whose venerable presence might have touched any hearts but ours; the little children, locked in each other's arms, dreaming of butterflies and flowers and singing birds; the young man and the just budding woman; the fond wife and the doting husband, all fell beneath my murderous hand; or were made the shrieking victims of my unholy passion first, and then slaughtered like cattle."

And so on *ad infinitum.* He ranged up and down North and South America and Europe, like *Huck Finn,* the Red Handed, and *Tom Sawyer,* the Black Avenger of the Spanish Main. Both of these youths, I suspect, were then writing "true confessions" for the newspapers. Finally, in his confessions Hicks described the undoubted crimes on the oyster-sloop. His plans for burning her, after the murders, went to pieces when she collided with the other vessel, and he was terrified into making his escape in the small boat. He landed first at Staten Island; and then returned to New York, and his breakfast.

Friday, July 13th, 1860, was the day ap-

pointed for the hanging of Hicks, the Pirate. The place was Bedloe's Island, now Liberty Island. It is not probable that any pirate has had the sentence of death executed upon him in New York Harbor since that date,—certainly not in the presence of such a "vast concourse." As the vast concourse included ten thousand persons, some of them may be living to-day. Many a respectable citizen slipped away from home that morning, and came back at night expressing disgust that so many people had such morbid curiosity, but silent as to his own presence on the island or on the waters nearby. To us of to-day, such a curiosity is horrible, but in 1860 a hanging was no worse spectacle to the average citizen than a prize-fight now.

Hicks received the consolations of religion from Father Duranquet, and afterwards partook of a cup of tea and "some slight refreshments." Then he proceeded to array himself in his hanging costume, which was remarkable as an example of what the well-dressed pirate wore in 1860. It was "a suit of blue cottonade, got up for the occasion. His coat was rather fancy, being ornamented with two rows of gilt navy buttons, and a couple of anchors in needlework. A white shirt, a pair of blue pants, a pair of

light pumps, and the old Kossuth hat he wore when arrested, was his attire."

A procession of four carriages left the Tombs before nine o'clock in the morning. The prisoner was in the first carriage, with the priest, the marshal, and two assistants. At the foot of Canal Street they all boarded the steamboat *Red Jacket*. The scene there, as all the reporters agreed, "baffled description." There were 1,500 persons on board.

The famous steamship *Great Eastern* was in the river at this time, lying off Hammond (now West Eleventh) Street. As many of the passengers in the *Red Jacket* wished to see the great ship, Marshal Rynders approached Hicks, and asked if it would be an inconvenience to have the hanging postponed for an hour or two. The prisoner expressed himself as quite at the disposal of the gentlemen on the *Red Jacket* and added that no number of postponements would annoy him in the slightest degree. So the steamboat made a turn up the river and gratified the curiosity of the passengers. Then the *Red Jacket* was put about for Bedloe's Island.

Following the example of Thackeray at the execution of Courvoisier, we will turn away from the gallows, and look at the harbor.

Steamboats, barges, oyster sloops, yachts and row-boats covered the water within view of the scaffold. They had come from many places, but especially from Connecticut and from Long Island, where the brothers Watts were known. The hanging of Hicks had the complete approval of these visitors. There were barges with awnings spread, under which thirsty passengers drank lager beer. There were row-boats, with ladies,—no, says a shocked reporter, with "females of some sort" in them. They gazed from under the fringes of their parasols, as the final penalty was exacted.

Newly painted, and anchored within 300 feet of the gallows, was the sloop *E. A. Johnson,* on which the murders were committed. A huge burgee, with her name in red letters, flew from her topmast. Her deck was crowded, her masts and spars covered with sight-seers. She was the most conspicuous sight to the eyes of the dying man.

XVIII

THE MYSTERIOUS MURDER OF CÉCILE COMBETTES

It is hard to imagine an errand more harmless and peaceable than the visit of a book-binder to a religious institution. When this book-binder makes a visit for the purpose of returning to the holy brothers a number of books which he has been binding; when he is accompanied by two of his assistants, each carrying upon her head, in European fashion, a basket of books, the setting seems contrived for a gentle story by Daudet, rather than for a brutal and mysterious tragedy.

On an April morning in 1847, Bertrand Conte, the book-binder of Toulouse, came to one of the buildings of the Institute of Christian Brethren to deliver two baskets of books. The larger basket was carried by one of his older work-women, Marion Rougmanac, and the smaller by a little girl, named Cécile Combettes. She was an apprentice of the book-binder, planning soon to leave his service; she was less than fifteen years of age.

Conte and his assistants were admitted by the porter; the baskets were set down, and the older woman was sent away—to return to the workshop. The book-binder gave Cécile his umbrella, and told her to await him in the vestibule, while he went, with the porter, to carry the books to the library. Here he met the director, and had a talk, presumably about business.

Although the vestibule was in the chief entrance to an institution in which dwelt 500 of the brethren, their novices and pupils; although there were many lay visitors coming and going, and the porter had been busy answering the bell; and although it was broad daylight, a quarter after nine in the morning, Cécile Combettes then and there vanished from the earth. Nobody was ever found who would say that he saw her again while she was living. The porter could not say that he saw her go out, or that he did not see her, or that he ever noticed her at all after her arrival. He thought that very probably she left by way of the door.

Conte returned from the library after thirty or forty minutes; the umbrella was standing against the wall, but the girl had gone. According to his account he then went home, making two calls on the way, and answering his wife's

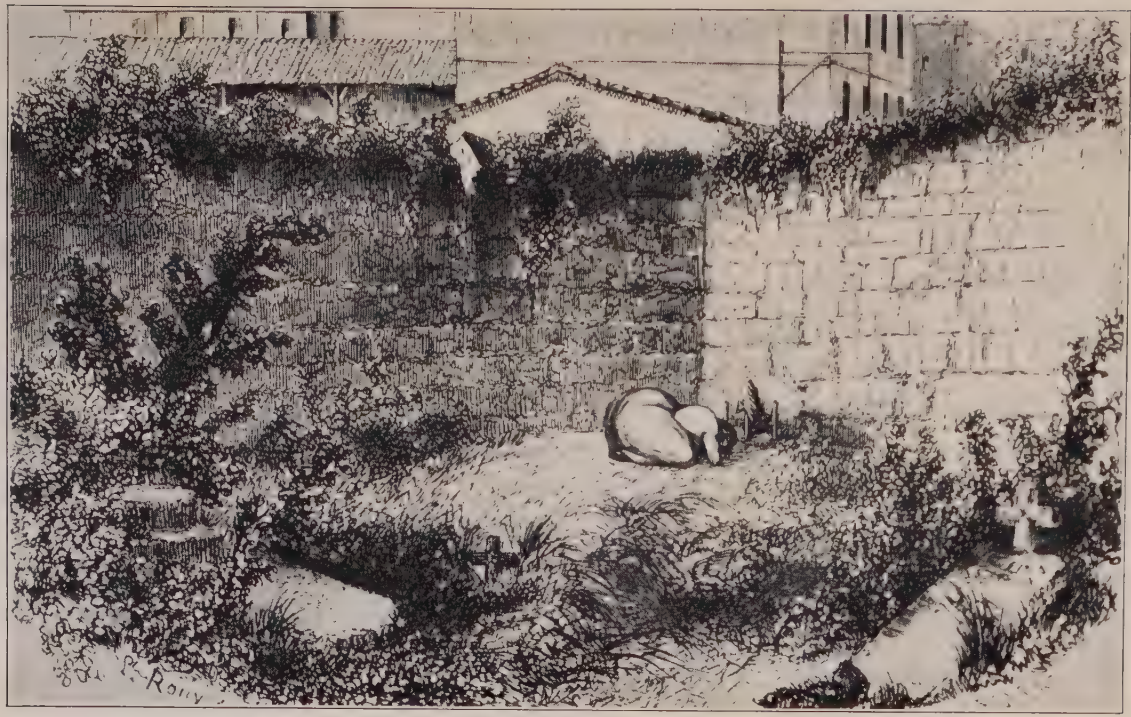
questions about Cécile by the suggestion that she had gone to see her mother, who was ill. As the day went on, Cécile's aunt and others began to make inquiries, but her employer seemed not to concern himself greatly. Instead, he went on a business errand to the town of Auch. Only one or two persons bothered at all about the little apprentice.

At half-past six the next morning, a gravedigger in the neighboring cemetery of St. Aubin saw what he supposed to be the figure of a woman, kneeling in prayer, in a corner of the cemetery. He went nearer, touched the body, and found it to be a young girl, dead and cold. It was Cécile Combettes, lying on her face and knees, and supported by her elbows. The position of the body was strange, and the spot where it was found offered a puzzle, for it lay in the angle formed by two of the cemetery walls. The wall nearer the girl's head separated the cemetery from the *Rue Riquet;* that near her feet, from the garden of the Institute of Christian Brethren. There were three reasonable explanations for the presence of the body at that spot. First, that it had been brought into the cemetery and placed there,—a theory hard to maintain, since the cemetery gate was kept

locked at night, and there were, moreover, no footprints in the damp earth around the body. Second, that it had been thrown or dropped over the wall from the *Rue Riquet,*—which was difficult to believe, as the plants on the wall were undisturbed, and a nearby sentry, on the street, would have observed the action. Third, that it had been thrown over from the Institute garden. There were circumstances both for and against this contention, but if it were believed, it laid the brothers of the Institute under the necessity of clearing themselves of grave suspicions.

The prompt investigation made by the *commissaire* of police, and by surgeons, established the facts that the poor creature had been brutally assaulted; that she had been killed by a fracture of the skull, and that she had died at about ten o'clock on the previous morning,—or within an hour after she entered the Institute. This last was shown in the usual way, by the process of digestion.

Still more minute and curious than the results of the *post-mortem,* however, were the observations made on the arrival of the surgeon, and of the police. They show that, even at that date, before the rise of Poe's Dupin, or of Sher-



THE BODY OF CÉCILE IN THE CEMETERY

lock Holmes, trifling clues were the subject of interest to the police, and the cause of endless argument in courts of law. Some of the clues offered in the case of Cécile Combettes should give delight to the readers of detective stories, even to-day.

In the girl's hair were found some leaves of cypress; a few shreds of tow or oakum, about four inches long, apparently frayed or cut from a rope; and a single petal of a geranium in full bloom. Now, there was a layer of cypress boughs on the wall between the cemetery and the *Rue Riquet;* and there were geraniums on the wall of the Institute garden. Here, then, as in almost every fact connected with this strange death, there were circumstances from which one might arrive at opposite conclusions, according to whichever was trusted. The cypress boughs *did* protrude from the street wall,—a body thrown over the garden wall might have brushed against them. On the other hand, although it was found (so precise was the detective work) that there was a petal missing from one of the geraniums on the garden wall, it was pointed out that a flower-petal could easily be blown anywhere, and that it was a slender clue. The contention that the body could not have

been brought into the cemetery, was met by the assertion that the gate had been known to be left unlocked at night, and that if there were no foot-prints in the soft earth around the body, neither were there any indentations in the earth to show where the knees and elbows struck when it was thrown or dropped from the wall. This pointed to a conclusion that the dead girl had been placed in the corner where she was found.

On the whole, the weight of evidence caused the authorities after a few days to direct their suspicions toward the inmates of the Institute. It was asserted—and disputed—that the shreds of rope found in Cécile's hair were identical with a rope found in the garden. It was shown that there were indistinct marks, as of a ladder having been placed against the garden wall, and this evidence was in turn neutralized by the gardener, who said he had used the ladder himself, in his lawful occupation.

As example of the contradictory and confusing evidence, it should be said that one of the accounts, in French, says that not one petal alone was missing from the geranium on the garden wall, but all the petals from one flower, and as the night had been rainy, it was reasonable to think that the wind and rain were re-

sponsible, and not the body of the dead girl as it was passed or thrown over the wall.

Another contradiction was directed toward the statement about the sentry in the *Rue Riquet*. He often retired into the sentry box, on a rainy night, and he could have failed to see something which occurred nearby.

The position of the body was another puzzle. How could the body of a girl, weighing about ninety pounds, be thrown over either wall, and remain, after it struck the ground, in this position, on her toes, knees and elbows? Would it not topple over, and fall upon its side? But if it had been brought into the cemetery, and placed in position, why was it placed in that position? Did some grotesque fancy cause the murderer to arrange the girl's body as if in prayer? Or had the body already assumed this posture in *rigor mortis,* when it was brought to the cemetery?

The first man to be arrested was Cécile's master, the book-binder, Conte. She was in his charge; it was alleged by a witness that Cécile had complained of overtures made to her by Conte; and it was definitely established that a few years earlier he had been involved in a disgraceful scandal which concerned his sister-

in-law. One of the visits paid by him on leaving the Institute, was at the home of his uncle, who lived in a street of notoriously evil character. The suggestion was that the girl had really left the Institute; had been lured to some house by Conte, and there murdered. During the night, her body had been taken to the cemetery. There were flaws and weak points in this theory, but not so many as in the case afterwards advanced by the Government.

Conte, himself, at the time of his arrest, suggested that the murder occurred in some disreputable place in the city; he made no accusation nor suggestion against the brethren. Next day, however, he sent for a magistrate, and deposed that when he entered the Institute on the morning of Cécile's disappearance, he saw two of the brothers, Frère Jubrien and Frère Léotade, engaged in conversation in the vestibule. Both of them were confronted with Conte, and both denied that they were in the vestibule that morning. Nobody else, neither the porter, nor Marion Rougmanac, nor anyone saw these two brothers in the place Conte indicated. They were both arrested, nevertheless, and finally the prosecuting officers, abandoning all attempt to convict anyone else, proceeded solely against

Léotade. His real name was Louis Bonafous, —"in religion" known as Frère Léotade. Thus, the accusation originated with a man previously of bad character, who was at the time under arrest, with a strong interest in clearing himself, at the expense of anyone.

Not until the following year, in February, '48, was Léotade put on trial. It was that week described by du Maurier: "a warm wet wind was blowing—the most violent wind I can remember that was not an absolute gale. It didn't rain, but the clouds hurried across the sky all day long, and the tops of the trees tried to bend themselves in two . . ." The Revolution of 1848 broke out during the trial; there was an adjournment, and a second trial a few weeks later.

Except for accusations against the moral character of Léotade, made by Conte, nothing had ever been suggested against him. It was now contended that he had promised Conte some rabbits; that on seeing Cécile in the vestibule he had enticed her to the stable on pretence of giving her the rabbits for her master; that he murdered her then and there, leaving the body in the hay-loft until night, when he returned and threw it over the wall into the cemetery.

In support of this theory, the prosecution now adduced evidence that there were found under the dress and on the body of the girl some straws of wheat, on which there were traces of blood, and a feather. On her dress and shoes were particles of hay and clover. There were wheat, hay and clover in the stable.

"In addition," says one account, "there were found on the deceased's clothes, incrusted in other matter, certain grains, which turned out to be grains of fig, and on a shirt found in the *Noviciat* [one of the two buildings of the Institute] were also found grains of fig, similar in character to those found on the deceased, and it was therefore assumed that the two articles of dress had been in contact."

The shirt in question was numbered 562; Léotade denied that it was his, and the prosecution could never disprove his statement.

The prisoner had long been held in solitary confinement, subjected to harsh and unfair interrogations, and was finally treated by the presiding judge as if his guilt were established. Every point in the case was flatly contradicted by the opposing side, and only one fact was clearly established; neither prosecution nor defence could bring any reliable witness who saw

Cécile leave the Institute, or ever saw her alive outside of it, after entering it that morning with Conte. This, had Léotade been the sole occupant of the buildings, would have been strong evidence against him, but with 500 other persons there, it merely left a cloud of suspicion upon the whole organization. Conte's unsupported statement that Léotade was in the vestibule selected the victim, and the strong feeling against the religious bodies, which existed at that moment in France, made it certain that a fair trial was out of the question.

The testimony of M. Estévenet, the surgeon, was minute and interesting. He found that particles of dust and earth on the head and body of the girl corresponded to those on the wall of the Institute. He also testified about the cypress boughs and the geraniums. But it is noteworthy that he did not arrive at the cemetery until two o'clock. The discovery was made at half-past six; the first police had arrived about eight. But even when they came, some persons had climbed the wall next to the street, while others, curious to look at the body, had entered the cemetery. This seems to negative much of the testimony about foot-prints, or their absence, and also about the state of the plants and branches on the wall.

Unluckily for Frère Léotade, his fellows and superiors adopted methods which prejudiced his interests, angered the officers of the law, and infuriated the public. Sometimes they offered a passive resistance to the efforts of the police; sometimes, friends of the brothers put forward witnesses who clearly perjured themselves in an ill-judged attempt to save Léotade.

Thus, at the first trial, a woman named Madeline Sabathier, evidently a religious enthusiast, testified that on the morning that Cécile came to the Institute, she—the witness—had seen her outside the buildings; had spoken to her; and had seen a man in a cloak (assumed to be Conte) come from the Institute and take Cécile away. This, of course, if true, cleared Léotade and all the other brothers. At the second trial, however, she recanted all this testimony, and further admitted that she had been to the mother of Cécile, since the murder, and offered her money. The effect of this must be evident.

During the first trial the entire Court visited the Institute, with much ceremony. The arrangement of buildings and rooms should have given the jury strong doubts of the guilt of Léotade, or, at least, have shown that in those crowded quarters no one could have com-

CÉCILE COMBETTES

mitted such a crime without an accomplice. The effect of the visit, however, was lost; first, because this trial was never concluded; and second, because the attitude of the religious men, in pretending to ignore the presence of the Court, lent strength to the contention of the prosecuting attorneys that the brethren were hostile to the civil authority.

The reason why the prisoner's room was changed two nights after the murder was probably quite innocent, and the reason was given, but the prosecution was able to make a point of it, and assert that it had been done by the director to remove Léotade from a place which easily communicated with the garden and the stable, to a room from which the garden was inaccessible.

The jury were out for an hour and a half, and found Léotade guilty, but with "extenuating circumstances." Whether this was comparable to the verdict of murder in the second degree, sometimes found by American juries, when some of the jurors are in doubt about guilt, does not appear. It is more probable that the "extenuating circumstances" represented the belief that this was a crime of passion, and therefore not premeditated murder.

Léotade was condemned to life imprisonment, and, fortunately for himself, died two years later in the *bagne* at Toulon. He had always maintained his absolute innocence; had given a reasonable but not wholly corroborated account of all his actions on the day of the murder, and declared with apparent sincerity that he had not even known of the existence of Cécile Combettes.

On the last day of his life, and fully aware that he was a dying man, he sent for the chaplain, and one of the head officers of his prison, and reiterated his declarations of innocence. His conviction has gone down into criminal history as one of those errors of justice which Englishmen and Americans are too apt to think peculiar to France.

XIX

EIGHT PROFESSORS FROM YALE

The first scene is a lonely pasture in the village of Rockland, near Madison, Connecticut; the time, late in a pleasant afternoon of September. Through the grass and blueberry bushes comes a rather tattered, stupid-looking man, a farmer named Stannard. He peers into the thickets, looks behind trees and rocks, and now and then shouts the name of his daughter:

"Mary! Mary! Where be you, Mary?"

This is the final anxiety which his daughter has brought upon him: to wander from home, and get lost. Stannard is wretchedly poor, and it cannot be said that his children have been of much comfort to him. Mary is what some of her neighbors probably call a fallen woman; although only twenty-two, she is the mother of an unwanted and unauthorized child, three years old. This fact has been more or less forgiven, however, and she has been working in another village for about a year. Lately she has come back to her father's house, and there are rumors that again she has ceased to "go straight."

Stannard knows nothing of this, and has not asked. She went away into the pasture early this afternoon, on some mysterious errand, and her absence has caused her family to worry.

There was, at this period (it was the late seventies), a poem in great repute with ladies who gave recitations in public: a deep purple, passionate poem, called "Ostler Joe." I think I have heard that Mrs. Langtry recited it. It told about some siren or other who "lured men's souls to the shores of sin, by the light of her wanton eyes." I do not know if Mary Stannard was guilty of any such misconduct as this, but I think it unlikely. If she was a temptress, some one has more than evened the debt with her. Toward sunset her father discovers this.

At a place called the Whippoorwill Rock he finds her at last: her body is lying composed, her clothing tidy and in order, although her straw sun-bonnet, placed nearby, is stained with blood. Her arms are folded over her breast. And with the usual strangely ironical result of such an event, the name of Mary Stannard, known at this moment only to a few people, in one or two villages, is to become familiar throughout the country, and her death is to agitate dozens of learned men for more than two years to come.

One of these learned men is a brilliant young teacher at Yale—Professor Edward S. Dana—and he, more than a year after that September day, is standing in a Court at New Haven, discussing, and trying to make clear to a jury, "the microscopic measurements of arsenical octahedrons."

This is a queer business, and one apparently far removed from Stannard and his dead daughter in the blueberry pasture. But it appears that Mary on the days before her death had talked to her sister, and to others. Again, so she thought, she had cause to fear for her reputation, and she blamed no less a person than the Methodist minister of Madison, the Reverend Mr. Hayden. It was to meet him—so ran the talk—that she went to Whippoorwill Rock, and there he was to give her some "quick medicine."

Mr. Hayden was a young country parson, very poor, married and with two children; a fiery preacher at camp-meetings. At one time Mary had been a servant in his house. The report of her accusations against him, together with the fact that his occupations on that afternoon were not wholly explained, caused him to be put under arrest. While he was in jail it developed that in addition to the knife-wounds and

a fractured skull which had caused the girl's death, she also had fifty grains of arsenic in her stomach. Whoever had killed her believed in being thorough. Now, Mr. Hayden had bought arsenic on the day of her death,—but, so he said, for the ancient and familiar purpose of "killing rats." During the hearing in the magistrate's court, a friend of the minister went to his barn, and there, although others had searched the place, found the full ounce of arsenic, the amount he was shown to have bought. Whereupon, for that and for other reasons which seemed sufficient, the magistrate (a good Methodist, it was remarked) spoke and said:

"If I was as sure of Heaven as I am that Mr. Hayden is guiltless, I should rest content. Mr. Sheriff, release the prisoner."

Other law officers, however, were not sure of anything whatever about the case. They suggested that Mr. Hayden's packet of rat poison (to be known henceforth as the "barn arsenic") had been planted there by his well-wishers, and that it was not at all the arsenic administered, ostensibly as medicine, to Mary Stannard. The minister was arrested again, and this time stayed in jail all winter, while Professor Dana was looking through his microscope at samples

of the "barn arsenic," the "stomach arsenic" and numerous other varieties. Nobody in this country, it appeared, knew very much about this popular poison, and in the summer Professor Dana went to England to visit the factories where it was produced. When he returned he knew a tremendous deal about arsenic,—enough to give him material for four days of the most curiously minute expert testimony which had ever been offered in an American court of law.

Briefly, it was this. Arsenic condenses in eight-sided crystals, and is afterwards ground under a roller. Some of the crystals are so small that they remain unbroken. The number of them so remaining, the shape and size of the broken particles, and other aspects of them, vary in arsenic coming from different sources. By microscopic examination it was possible to say that the "barn arsenic" was different from some bought at the same time and from the same druggist of whom Mr. Hayden said he procured his arsenic for the destruction of rats. Some arsenic from another shop in that town was identical with that which had been given to Mary Stannard.

This did not prove the minister's guilt, but to those who followed the Professor's careful dem-

onstration, and looked at his fascinating little pictures of eight-sided crystals, it tended to show that Mr. Hayden had lied about the source of the arsenic found in his barn. It also served to strengthen the State's contention that the latter had been bought to replace poison which was used to further some felonious little plans.

It was the theory of the prosecution that Mary had become suspicious or violent after swallowing the poison given her under the pretense that it was an abortifacient, and that her assailant then struck her upon the head with a rock, and finally cut her throat. A pocket-knife of Mr. Hayden's was produced, and day after day was devoted to argument in proof and disproof that it bore traces of human blood. The measurement of corpuscles was considered at tragic length.

A gentleman who, as a young law student, heard Professor Dana give his testimony on these four days in October, fifty years ago, tells me that it was an excellent example of scientific reasoning, extraordinarily precise and convincing. The young Professor's testimony marked the highest point in the case for the State of Connecticut.

October changes to November, and that

month (in a very regular custom of its own) into December, and still the trial goes on. Every day, folk all over the country look at their papers to see what is happening at New Haven, and New Yorkers turn each morning to the third page of *The Sun* to read Amos Cummings's two columns upon "The Great Hayden Trial." One day they read, on the front page, of the arrival in New York of two makers of light opera, Messrs. Gilbert and Sullivan, and a few weeks later there is a column about the opening night of "The Pirates of Penzance."

On a day in December, just before the prisoner goes on the witness stand in his own behalf, his lawyers play their best card: Mrs. Hayden gives her testimony. Every day she has been in Court, serious, devoted, grief-stricken to tears, and usually carrying a bouquet of flowers from her admirers, or from her husband's friends. Now she stands in statuesque pose, her hand raised to take the oath: a handsome and noble-looking woman, gowned in black. She wins the Court by her apparent truthfulness. She alone, of all living persons, had some opportunity to know what her husband was doing in the crucial hours of that afternoon, from one to four, when the murder was committed. He

was, so he says, in the wood-lot, piling a very small amount of wood in a very long period of time. He was, so the prosecutors aver, the unidentified man whom another witness saw going toward Whippoorwill Rock. The village was so small that it was possible for the State to show what every other inhabitant was doing that afternoon.

Mrs. Hayden's testimony does not prove a complete alibi for her husband; perhaps it is the more convincing for that reason. But it does corroborate his story at many of the points. When the cross-examiner attempts to ask her if she would tell the truth against her beloved husband, even if the truth should destroy him, the question is excluded by the Court, and Mrs. Hayden is excused from the witness stand.

The 1870's vanish on the night "The Pirates of Penzance" is first sung—and the 1880's come in, and the Hayden trial is soon in its third month. The long-suffering jury has listened to 176 witnesses. There were twelve professors, eight of them from Yale, who talked about arsenical octahedrons, and about the corpuscles in the blood of goats, pigs, dogs, rabbits and men. Some of them supported Professor Dana, while others contradicted him. There were witnesses

both for and against the theory of Mr. Hayden's undue intimacy with Mary Stannard. There was Mr. Hayden himself, who made a good impression as a witness.

On a Friday afternoon in the middle of January, the jury goes out to consider their verdict. They have heard a charge from the Court, which Mr. Hayden's friends and counsellors indignantly describe as an argument for the prosecution. The spectators in the court room remain to hear the result. Monday has come; the jurymen are still there; they have not gone home, as they had hoped, for the Sabbath. Let us look into the jury-room,—it is the last scene of the drama which began so long ago in the blueberry pasture.

It is a queer sight. The floor is ankle-deep with wood-shavings, for these twelve Connecticut Yankees live at a period before the old American custom of whittling has gone out. Nearly every one of them has a jack-knife, and as there is a fire in the room (it is cold midwinter weather outdoors), there are plenty of sticks to whittle. So, as they talk, and argue, and chew tobacco or smoke pipes, as they ballot and ballot again and again, and finally rage and roar at the obstinate juror, they dissect these sticks of

wood into long, sweet-smelling strips of soft pine, until the carpet disappears and the jurors wade in shavings.

Some of them are toasting their stockinged feet before the fire; some are asleep on the benches; a few of them ceaselessly walk, like panthers, round and round the table. Others play *tic-tac-toe,* or discuss the political situation in Maine, which happens to be exciting at this moment. One or two take turns in shaking their fists and shouting at the obstinate juror.

This person is named David B. Hotchkiss, a brown-haired farmer of thirty years. He is of middle height, he has a thin face, his complexion is tallowy, and, like Mr. Hayden, he has adorned his chin with a scraggly goatee. He has ill-fitting clothes and old-fashioned spectacles: I fancy the lenses are rectangular, and that they have brass rims. Altogether Hotchkiss is a comic figure, and an object of loathing to the other eleven men. On Friday afternoon he "hunched up" on a chair in one corner of the room, and "fended himself with both hands" when the others approached. He makes his few remarks in a squeak, and his favorite utterance is "No! No! No!"

He wishes—most uncharitably, think the

others—to see the Reverend Mr. Hayden in prison for life. For one day and a night, with two or three others to support him, he held out for a verdict which would have sent the clergyman to the gallows.

On only one matter were they all agreed. With the sound common-sense of the American farmer (or the base stupidity of yokels, if you prefer) they had thrown the expert testimony overboard at the start. All of Professor Dana's travels among the arsenic works of England, all of his days and nights with his microscope, all of his learned testimony, as well as that of the eight professors from Yale, and all the other professors and doctors, were a total waste of time so far as these twelve citizens were concerned. The sole point which interested them was this: was Mrs. Hayden to be believed?

"Yes," said eight of them.

"No," said Hotchkiss, and three others. But the three dwindled to two and then to one, and finally the ridiculous-looking Hotchkiss was left alone, squeaking out his defiance, and sticking to his guns.

On Monday they file into Court, cross and dishevelled. They cannot agree, and they are discharged. And ten days later the Reverend

Mr. Hayden is released on bond; ruined, but free to go back to his wife, who has saved him. She was a woman of noble appearance, and apparent honesty. The eleven jurymen would put no trust in expert testimony, but they relied on their plain common-sense.

All, that is, except the egregious Hotchkiss. He alone mistook her character. He was—so they all said—a fuss-budget, a crotchety old crank. He was certainly not an attractive figure, but as we condemn his obstinacy and wrong-headedness, there rises to mind the favorite remark of so many characters in the polite English comedies:

"I wonder!"

XX

THE TIRRELLS OF WEYMOUTH

The Tirrells of Weymouth, Massachusetts, were pursued by the Furies. They were farmers and shoemakers, dwelling in a singularly attractive town, but their lives in the years before the Civil War were clouded by bloodshed and its vengeance.

Their first appearance in public was in 1846, when Albert J. Tirrell was tried for the murder of Maria Bickford. The careers of these lovers, both separately and together, had registered a rather high percentage of moral turpitude, gauged by the standards of any period, and the chances for Tirrell's escape seemed dark. Luckily for him, he was able to benefit by the services of the great advocate, Rufus Choate, who contrived an ingenious defence.

Mr. Choate suggested to the jury that Mrs. Bickford had committed suicide,—by cutting her head off—or almost off—and then setting the house afire. And we have it on the authority of one of the courtiers in "The Mikado" that if

a person only succeeded in cutting his head half off,—that would be *something*.

The famous lawyer did not leave it at that, for he relied chiefly on the theory that if his unfortunate client really did perform the fearful deed of killing Maria Bickford, he did it while *asleep*, and was, therefore, more to be pitied than censured. Many tears were shed in the court-room, during Mr. Choate's speech.

This defence of *somnambulism* caused much amusement among the more cynical lawyers for many years afterward, and was as celebrated as was the theory of the "brainstorm" twenty-five years ago, or as the "king and slave phantasy," used in our own time to explain the pranks of pairs of murderous young men in Chicago or Atlanta.

Tirrell went free, but the Furies were on the track of his clan. When they struck, it was in their usual blind fashion. Thomas Hardy remarks that the wrong done to Tess in Cranborne Chase may have been retribution for similar deeds of her ancestors, but that it was hard for mortals to see justice in it.

When next the name of a Tirrell of Weymouth was heard in a Massachusetts court, it was that of a person far different from her dis-

tant cousin, Albert Tirrell, or from Maria Bickford, whose career was scarlet, and whose death was encompassed by blood and fire.

It is perhaps rash to assume cousinship between Albert and Betsy Frances Tirrell. The same family name does not prove it. *Penrod Schofield,* in Mr. Tarkington's story, made the mistake of thinking that the local aristocrat, *Mrs. Magsworth Bitts,* would be flattered to have her son exhibited as the only living nephew of *Rena Magsworth,* who was then on trial for poisoning eight people.

All I can say is that when Albert Tirrell was set free, a little girl named Betsy Frances Tirrell was then living in Weymouth. She was about eleven years old, and was to grow up into a quiet, well-conducted, rather pretty young woman. Not a great deal is discoverable about her. She went to "meeting" very often; so did they all in the small American town in the 1850's, when the church, the Sunday School, the church "sociable," and the picnic were the only forms of amusement. There was also the "Lyceum," or other lecture courses; while the promise of a circus—in Fall River—was a novelty and a treat to the Tirrells.

In 1860 Betsy Frances was about twenty-five,

—an age which then brought a girl perilously close to the reproach of being an old maid. Probably her youthful good looks and her artless, rather simple manners saved her from this disgrace. Her mother was dead, but her father, Wilson Tirrell, had married again, and with her father and step-mother and her little half-sister, Louisa, she was enduring the melancholy months of spring.

They were melancholy to Betsy Frances, for one reason which everybody knew, and for another which was still secret. Her sister, Mary, had died suddenly, and I think, rather mysteriously, on the day after New Year's.

Mary had been betrothed to a young shoemaker named George C. Hersey. Mr. Hersey, as the Newgate Calendar would say, was the son of aged and respectable parents, of the town of Hingham. Singular misfortunes followed his love-making. He had black whiskers, and the young ladies, on whom he cast a favoring eye, found him all but irresistible.

Yet, where he loved, grim sorrows lurked. He had once been married, but his wife, a beautiful young woman, died after about a year. Then he won the heart of Mary Tirrell, and their marriage was arranged. When she was taken

violently ill, in the very last days of December, Mr. Hersey, as her affianced husband, was invited to stay at her home. He came, and was assiduous in his attentions at her bedside. After a week's illness, Mary Tirrell died, and George Hersey and Betsy Frances, her sister, wept together at her grave.

As Mr. Hersey was out of employment, Mr. Tirrell invited him to stay indefinitely. So here was this visitor in the home of Betsy Frances Tirrell, but the joy which she took in the company of the sorrowing man appeared to be grave and restrained. As one of the learned counsel expressed it:

"They were in sympathy as brother and sister, and their conduct well comported with that relation. They were seldom in society. They attended, both by day and evening, the ordinances of religion; walked and rode together, though not often unattended. She was, during a portion of this period, somewhat sad and dejected, and her friends thought they noticed a decline in health."

It was generally agreed that the two young people were seldom alone together, and that so far as Betsy Frances was concerned, the attentions which she paid Mr. Hersey seemed to be confined to mending some of his clothes.

He, however, was not averse to an occasional diversion elsewhere, and in the month of April occurred the strange interlude with Miss Loretta Adeline Loud. This lady was but sixteen years old, but could not have been more clear-minded as to the etiquette which governs engaged couples, if she had been twice her age, and had read Dorothy Dix or some other redoubtable guide to manners and morals, every night of her life.

Briefly, as she put it, she secretly plighted her troth to Mr. Hersey about April 10th. On Sunday, April 29th, she diverged sharply from his theories about the privileges of a fiancé, and terminated the engagement on that very Sabbath evening. Her meetings with Mr. Hersey were adjourned, *sine die,* and Miss Loretta never regretted it.

On the third day of May, early in the evening, the Tirrell family and Mr. Hersey drove home together after a call at the house of a relative. In the village Mr. Hersey had been with Louisa to the barber's, while the little girl had her hair cut. They reached home shortly before eight,—early candle-light. The two men put up the horse, while the women went inside and took off their bonnets and shawls.

Anyone familiar with the New England towns can, I think, imagine the scene. The pleasant road, bordered by elms, and the white farm houses. Apple trees in bud, but not yet in blossom. The smells and sounds of a cool evening in spring; the shrill notes of the hylas, the "spring-peepers," and the trilling of toads from the wet meadows along the way. The Tirrells' house, with its large barn and stable. The family driving up in the two-seated covered carriage. The women getting out—with difficulty. Here is a moment we cannot visualize, unless we have seen something of the kind in the moving pictures, for Mrs. Tirrell and Betsy Frances must have worn the preposterous hoop-skirts of the time—costumes which managed to combine absurdity, inconvenience and immodesty. Louisa, who was eleven, in her pantalettes. She was excited over the recent trimming of her curls, and over the prospective May festival.

And all this group of people, so pastoral and so Victorian, on the verge of an event which belongs not to Massachusetts, but to Italy of the fifteenth century. One of them hiding her sorrow and perplexity; one of them with his schemes prepared, his secret weapon conveniently at hand.

Mr. Hersey came in from the stable, announced that he had a head-ache, and went upstairs to bed. The evening paper had been brought, and Betsy Frances sat reading it and talking with her father and step-mother. Mr. Tirrell spoke of the circus next day in Fall River and offered to take his wife and daughters to see it. Mrs. Tirrell accepted gladly, saying that she had never been to a circus.

As the family sat there, an old custom, connected with May Day, was observed; some of the boys of the neighborhood hung May-baskets on the outside door. These were intended for Louisa, and as she had gone to bed, Betsy Frances took two of the baskets upstairs for her to see. One of them contained a small doll. This bit of unintentional symbolism might have come from a play by Ibsen.

They evidently took their May festival seriously in Weymouth in 1860, since they were still celebrating it on May 3rd. I wonder if this custom was general at that period, and if it has altogether died out.

Betsy Frances came downstairs again; discussed plans for breakfast with her step-mother; and finally everybody went to bed at nine o'clock, according to the habits of those who rise early.

Besides, there was to be an early start for the circus next day.

Mrs. Tirrell was already in bed when she heard Louisa, who slept with Betsy Frances, calling for help. Her calls were followed by a shriek, and almost instantly afterwards, Mr. Hersey, who seemed to have been roused promptly, came to the door of the older people, and announced that,—

"Frances is in a fit or something."

They all ran to the girls' room, and did what was possible—which was nothing at all—to help Betsy Frances. The person who dies by strychnine dies a cruel death, and I believe that I will not relate what they saw, nor what the family doctor, who was soon called, described in his testimony.

In about half an hour Betsy Frances Tirrell had died, without saying anything which gave information. Mr. Hersey again had been most thoughtful in his attentions.

Behind a fire-board in the girls' room, someone found a spoon which seemed to have held some preserved fruit. Otherwise, nothing unusual was observed. The doctors determined upon an autopsy, although Hersey strongly advised the family against it. He described such

investigation as "brutal." However, he changed his mind, and asked to be allowed to attend, and represent the family. This was permitted, and he was present for a short time. The autopsy revealed the unexpected fact of pregnancy, and the doctors requested him to leave the room. He tiptoed out.

The subsequent analyses showed the presence of strychnine in large quantity, and the scientific testimony was interesting to experts in legal medicine, since this was one of the first American cases of the use of this poison. Strychnine was also found on the spoon in the dead girl's room. It had, apparently, been mixed with the preserved fruit, and taken by her after she had been told that it was a drug of an altogether different nature.

Thus, the poisoner anticipated the methods of the Reverend Mr. Richeson, fifty years later.

Since the police promptly discovered the source of the strychnine, and found, in Boston, the man who had sold it to Mr. Hersey, that subtle gentleman was arrested and put upon his trial. The defense was that Betsy Frances had committed suicide, and a strong argument was made that she had sufficient motive, and that the prisoner lacked the incentive to murder.

This jury, however, refused to be hoaxed: there was no evidence to show that the girl had access to any poison except that which was traced to Hersey. That she had been deceived by him into taking it, was clear.

Mr. Hersey made his petition to "His Excellency, John A. Andrew, Governor, and the Honorable Council of the Commonwealth of Massachusetts." He signed the statement that "your petitioner now, in most solemn form, as he hath ever hitherto said, says, after trial, verdict rendered, and sentence pronounced, that he is not guilty of the crime of which he now stands convicted; and that he believes that in time he will be able to prove the same."

The Governor and Council heard his lawyers, as well as the petitions of a large number of citizens of Weymouth and vicinity. Everybody was a little distracted, that week, by the recent battle between the *Monitor* and the *Merrimac*.

In the end, the yeas and nays were ordered, and it appeared that the vote was unanimous in the negative. The Governor and Council "were not impressed."

Long after Mr. Hersey was hanged, then, did some one make "a death-bed confession" which might have cleared the poor soul? That would

have been the way in the tales which supply one form of criminal lore.

Nothing of the kind happened. On the Friday in August, when he was hanged, more than two years after the crime, he signed a confession that he murdered Betsy Frances. He added, also in most solemn form, that he was innocent of the deaths of the two other women—his wife, and Mary Tirrell.

This may be true. But there were persons who at last had got some insight into his callous disposition, and they suspected that, even upon the gallows, George Hersey was parsimonious with the truth.

XXI

THE "LEARNED" MURDERER

Edward Rulloff was a "career man,"—in fact, almost a two-career man. He pursued learning fitfully, as a man woos a casual sweetheart; but all his life he was faithful to his old doxy, which was Crime. He experimented in philology, and one writer asserts that he had studied law, medicine, mineralogy and conchology. There is no essential antagonism, said Oscar Wilde (who was not unbiased), between culture and crime. We know how some writers described the alleged profound learning of Loeb and Leopold, and in the light of their exaggerations, I am disposed to question Rulloff's erudition.

Professor Goldwin Smith called him a "great philologist," which means, probably, a great philologist,—for a murderer. Rulloff may have carried on his studies as a mask to hide his real business; or more probably he had the sincerity of a genuine crank. His pet diversion was the invention of a universal language; and the extreme enthusiast for Volapük, Esperanto, or

any of the hundred others, is not far removed from the man who seeks to find perpetual motion, or to square the circle.

Rulloff was born in St. John, New Brunswick, and appeared as a school-teacher in the town of Dryden, New York, in the 1840's. Here he married his pupil, Harriet Schutt. He moved with her to the neighboring town of Lansing, and remained for a few years. There came a day when there were Mr. and Mrs. Rulloff, and the little Rulloff child; and then, suddenly, on the following day, there was only Mr. Rulloff. Where the other two were, no one knew; Mr. Rulloff replied to the few inquiries, either with polite evasions, or else bluntly, and rather disagreeably.

Since a man, about the time of the disappearance, had helped him lift a large and heavy box into a wagon, and as Rulloff was seen next day returning with the box, which he was now able to lift from the wagon unaided, there were uncharitable suspicions about the disappearances. Rulloff found it convenient to vanish; but he came back again, and was arrested. He was tried and convicted for the *abduction* of his wife. He did not seem able to produce her; nor were the officers of the law able to find her body,

as they sought to do, by dredging Lake Cayuga.

Rulloff served ten years at Auburn prison for abduction,—rather a strange incident. On his release, the inhuman legal authorities sought to indict him again, this time for murder. Mrs. Rulloff was still missing, although an engineer, who once on a clear day looked down into Cayuga's waters, with its waves of blue, and saw a box resting at the bottom of the lake, thought he knew where she was. Rulloff pointed out to the learned Court that he could not be tried again in connection with his wife's disappearance, and his law was deemed good. There was little Dottie, however; he could be tried—and he was tried and convicted—for her murder, although he and his lawyer called loudly and indignantly for the well-known *corpus delicti,*—such an essential element in a trial for a felony. While his objections were awaiting review by the Court of Appeals, a team of black horses were driven up to the jail one evening, and Rulloff, with help from the jailer's son, vanished into the inky shades of night.

His next appearance was before the President of Allegheny College at Meadville, Pennsylvania. He impressed the President and Fellows by his learning, and suggested that they

give him a professorship. Almost they did, but not quite. Instead, they recommended him to a Southern college, then in need of a teacher of languages. Rulloff had been studying the classics during his term at Auburn. He started South with a letter of recommendation, but raised money for the trip by robbing a jeweler. He was caught, was released on bail, and after a short sojourn in Ohio, returned to one of the western counties of New York. Here he was recognized and again sent to jail, so that the Court of Appeals might consider the question of the *corpus delicti*,—the total absence of the remains of little Dottie.

Rulloff was seen in jail at this time by an observant man, who found him "gentle and winsome" in manner, his voice "gentleness itself." He was now to have his brightest criminal years: a long campaign of burglaries and murders, varied by etymological research. In this, for a quarter of a century he was sustained by his own cleverness and courage, and his ability to escape either by physical means, or through the law's loopholes.

A young lawyer, later a distinguished judge, Francis M. Finch,* told the Court that mere

*Author, I think, of "The Blue and the Gray," which we used to recite on Memorial Day.

absence did not establish the fact of death, and suggested that for all the Court could say, Dottie might be in full enjoyment of life, somewhere or other. The Court seemed disposed to agree. As Rulloff's release became imminent, some young men among his former neighbors, with whom he always enjoyed considerable unpopularity, distributed circulars, asking everyone in the county to attend a little informal lynching of the eminent scholar. A courageous sheriff whisked Rulloff away; he could not know that he had far better have pushed him overboard. Now, once more, the prisoner was free; to illustrate the advantages of "giving the poor fellow another chance."

For ten years philology languished. Rulloff served two years and a half at Sing Sing for burglary. For receiving stolen goods in Connecticut: two months. For engineering a bank robbery in New Hampshire (where he had appeared in the guise of a retired Episcopalian clergyman, late of Oxford University) he was sentenced to ten years. He escaped after three months. He turned again to scholarly pursuits, dwelt on Third Avenue in New York (where his landlady highly esteemed him), and studied in "the great libraries." My colleagues of what

used to be the Astor Library do not seem to recall him, although they have honored him in their catalogue by re-spelling his name for him: Rulloffson. Perhaps he was then passing under the pseudonym he used in learned circles.

He was at work on a manuscript about Greek, and also upon his universal language. As "Doctor Edward Lurio" he attended the convention of the American Philological Association in Poughkeepsie in 1869, and proffered a manuscript on "The Origin or Formation of Languages." The work, says someone, "showed wonderful research, great knowledge, and was written in a copper-plate hand."

My doubts persist. I believe in the "copper-plate" hand-writing: a frequent accomplishment of fanatics. As for the wonderful research, I have seen examples of it in persons of this variety. The correct description of it is gigantic, useless, and misapplied industry. A committee examined "Doctor Lurio's" manuscript, and regarded the author as a crank. Here we have a competent opinion, from first-hand knowledge of his work.

Rebuffed, and accompanied by two other unappreciated *savants* (described by the police as burglars), Rulloff appeared in 1870 at Bing-

hamton. The place was a shop; the time, after midnight. Two clerks, who slept in the shop, objected to the proceedings of the three as they tried to crack the safe. Rulloff shot and killed one of the clerks, and with his two friends escaped. The friends tried to cross a river in the darkness and both were drowned. Rulloff was caught, shortly afterwards, but nobody could identify him as connected with the burglaries. At all events, a judge who happened to enter the Court where he was being examined recognized him as Rulloff. The scholar-gypsy instantly admitted his identity; said he knew that there had been a burglary and murder, and feared that if he were found in the vicinity he might be unjustly suspected, on account of the ill-feeling which existed in the matter of the accusation regarding his wife and little Dottie. The district attorney apologized, shook hands with him, hoped that Mr. Rulloff would pardon the law's blunder, and once more the persecuted man was free to go whither he listed.

He departed, but in a few hours someone recalled that a shoe, found at the scene of the murder, gave unmistakable signs of belonging to a man who had lost a great toe. Such a disaster had happened to Rulloff through frost-

bite, during one of his escapes from prison. Again the pursuit began; the shoe fitted; and this time, when the case came to trial, the *corpus delicti* was not wanting. The clever Mr. Rulloff had not been able to dispose of it as effectively as he had hidden his wife and child. The dead body of poor Merrick, murdered while trying to defend his employer's property, had been duly seen and recognized.

The other clerk, whose life had been spared, was conscientious. He refused to swear positively that he had recognized Rulloff. But when that person insisted on cross-examining the witness, and questioned him again and again as to the degree of darkness in the shop, during the burglary, the clerk at last replied:

"Why, you know how dark it was! You were there!"

This led to applause in Court, and was perhaps prejudicial to the prisoner's interests. Few people in the neighborhood of Binghamton seemed to believe that any injustice was threatened, however, when Rulloff was convicted and condemned to death. He played all his cards; he seized and fondled his precious manuscript in Court, and appealed to it as evidence of his good character. Rulloff, like Eugene Aram, insisted

that he did not, himself, actually shoot Merrick. But this was no defense, even if true.

The opponents of capital punishment signed a petition to save his valuable life. They did this on two grounds: first, that he was insane; and second, that his was a matchless intellect, and that if he were hanged, a light of learning would be extinguished. (Another similarity of his case to that of Loeb and Leopold.) It was of no interest to them how many other lives, really valuable, might have been sacrificed if this savage were again spared. The Governor appointed two commissions to inquire into these contentions, and both commissions reported in the negative.

Rulloff passed his final days in prison discussing his universal language; relating ribald anecdotes; and interviewing visitors. One of these was an emissary from Horace Greeley. The editor had become interested in the convict, and it happened that the man whom he sent to the prison carried with him some proofs of Bayard Taylor's translation of *Faust*. Rulloff looked at these, and delivered a short discourse on the poem, and the merits of this version. Yet the relentless officers of the law stayed not their hands, and Rulloff, shortly afterwards, was duly

hanged for the murder of a mere clerk,—just as if he were not the master of four or five languages.

His brain proved to weigh nine or ten ounces more than the average, and he had the forehead which indicates intellect.* The width of the head between the ears, however, gave it the appearance of a bull. To-day, he might have been saved from execution, but the persons whom he would have killed would have been just as dead as if he had known but one language, and had never studied "law, medicine, mineralogy and conchology."

*Cornell University, so I am told, now owns this brain.

XXII

ACCOMPLISHED FEMALE LIARS

A famous police official, once at the head of Scotland Yard, said that he had sometimes wished that girls, at the age of fourteen, could quietly be "put to sleep" by the State, and allowed to remain unconscious until they were eighteen, and ready to become normal and harmless women. Between those ages they caused altogether too much trouble to the police.

The adolescent liar flourishes at about that time, although it is hard to fix the limits. Ann Putnam was only twelve when she led the little band of hell-cats and kittens who caused nineteen persons to be hanged, and one to be pressed to death, in Salem in 1692.

She and her friends began by dabbling in spiritualism and the divination of dreams: today their amusement would be thought intelligent and even fashionable; it would be called psychic research and Freudian interpretation. It is impossible to say how far they lost control of themselves, and were helpless hysterics; and to what extent they knew they were swearing

away the lives of innocent persons, because they were in so deep they dared not turn back.

Elizabeth Canning, the first famous victim of an "abduction," was eighteen. She became famous in London, in 1753, but she died in Wethersfield, Connecticut. She was carried off in a "hackney coach,"—and she is the spiritual ancestress of all the girls of to-day who come back after a two or three days' escapade, with tales of big, gray motor-cars, masked ruffians, and imprisonment in dank cellar or dismal attic. Their stories painfully lack originality.

The Canning sisterhood, however, have a definite object for lying. It is not art for its own sake with them; they have need to account for their mysterious absences. If they are inventive enough, if they can be carried into Mexico, and be forced to walk for miles over the hot sands, they may even become romantic heroines.

The adolescent liar gets over it; the congenital liar may keep it up for long years. It is not, with her, an amusement of the golden years of youth. I know of a woman who apparently had not ceased her elaborate inventions at the age of thirty. She was, at first, an unattractive, quiet, well-behaved young woman of eighteen or nineteen, who was liked by a few women,

and by no men whatsoever. Dreadful disasters would happen to her; painful injuries of a peculiar nature; so that she would be forced to stay at home. But she would send as a substitute, to the place where she worked, her twin-sister, Violet. Her friends, and especially her friends' mothers and older relatives, were much attached to Violet,—who dressed differently, was more animated, and even had different and heartier tastes in food than her sister Gertrude.

To this day, some of those older women refuse to believe what proved to be the truth: that Violet was merely Gertrude masquerading. They did not notice that they never saw the two together. How could they? Violet only appeared when Gertrude had had some fearful accident: had been in an explosion, or been burned by acid. For this was not only a case of congenital lying; it was a double personality as well.

Violet, too, suffered grievously; she was present at naval disasters, and subjected to terrible surgical operations. There was a tremendous craving for pity; hence these imaginary accidents. Both sisters were frequently on the verge of being wedded. Invitations were actually issued more than once for Gertrude's wedding;

and gifts were received. All that prevented the marriage was the fact that the bridegrooms were as fictitious as sister Violet.

This, of course, was pitiful,—especially for relatives and friends to whom it brought acute embarrassment. What made it curious was that for three-quarters of the time, Gertrude was a particularly correct, apparently normal, and totally uninteresting person.

These are usually cases for the physician or learned alienist; not for the law. All that the law should do is to take care that no innocent person suffers as a result of accusations made by one of these lying ladies. Since they almost invariably do make accusations; and usually against men; and since their accusations are almost always of a nature which four out of five persons are instantly ready to believe, whether the man is a saintly archbishop, or a schoolboy, it is depressing to reflect how many men in the past have dangled at the end of a rope, or dragged out long years in prison, because of the glib inventions and detailed accusations of some girl of fifteen or sixteen.

The imaginary injuries and the imaginary betrothals in the case of Gertrude and Violet were duplicated in two trials, each famous in its

day, in England and France. One was merely annoying and expensive to its victim; and amusing to everyone else. The other was extremely odd, but rather tragic.

On St. Valentine's Day, in 1846, Miss Mary Elizabeth Smith, then aged nineteen, brought suit in London for £20,000 against a peer of the realm, only a few years her senior. He was the Earl Ferrers, and he had been known, before his grandfather's death, as the Right Honorable Washington Shirley, Viscount Tamworth. And he—so said Miss Smith, through a formidable array of eminent lawyers—had most cruelly withered her young heart, by marrying another, when he was engaged, betrothed, plighted and sworn to love and marry only her,—Miss Smith.

He had loved her, this wicked nobleman, for six years, or ever since she was a little maid of thirteen. He rode across country—on his great horse *Zimro*—from his estates, to her more lowly home, to pay court to her. He wrote her letters; dozens, scores of letters. They were produced in Court. The date of the wedding had been set for the summer that Lord Ferrers came of age. The *trousseau* was ordered, and so was the cake. The bridesmaids had been nominated, and everything was ready, when a notice ap-

peared in the papers that the scoundrel Earl had married somebody else.

How Miss Smith's lawyers came to take up with the case, and how such a great legal gun as the Solicitor General for the Crown came into it on her side, it is hard to see. For when the tale of the aching heart was laid before the Court, and all therein sat aghast at the wickedness of this peer of highest station, one of his lawyers arose and unfolded his defense. And this was that he had never written her a letter; had never ridden over on his great horse *Zimro,* nor any other; and had never spoken to her, nor even seen her in his life.

And he proved it. Miss Smith had written all these dozens of love-letters to herself; had arranged the marriage; hoaxing her parents, or at least her father; had bought millinery for the imaginary wedding; and concocted the whole business out of the depths of her fancy and her supernatural equipment as a liar.

In this suit, at all events, there was a material object: the cash damages. The romance had been built up—in her own mind—long before. But in the French case, the explanation is more difficult, and more certainly belongs in the class of abnormalities. This is not to say that it could

not have been checked, at the beginning, by some simple physical remedy,—of one kind or another.

It was in 1834,—one of those dull periods of history which may be interesting, and are often pleasant to live in. The scene was the Cavalry School of the French Army, at Saumur. The commandant was General the Baron de Morell, whose family lived in Paris, but came to Saumur in the summer. They were Madame de Morell; a son, aged twelve; and a daughter, named Marie, aged sixteen.

The de Morells had been bothered in Paris by anonymous letters, and now, in this summer at Saumur, the plague broke out again. Everyone seemed to get them: the general, his wife, their daughter, and her English governess. Strange incidents began to happen; unknown men pushed notes in at doors, or peered in at windows. No one seemed to notice that only Marie saw these unknown men; in fact, all the strange things happened to her.

She was insulted one evening, after a dinner party, by Lieutenant de la Roncière, who compared her beauty most unfavorably with that of her mother. This young subaltern was the son of another titled general,—one of Napoleon's distinguished veterans.

The letters, which now began to come in a flood, were often signed by his initials—E. de la R. Sometimes they were avowals of affection for the mother; more often they were expressions of hatred for Marie. Modern psychology would probably have explained this, quickly and correctly. It is strange that the explanation did not occur to anyone at the time.

Officers began to get the most outrageous letters; some of them containing words so shocking and indecent that nobody thought it possible that such words could even be known to "an innocent young girl."

Finally, at two o'clock one morning, the privacy of the virginal bed-chamber was invaded by a man in deep disguise. He climbed in at the window; called out that he was bent on revenge; tied and gagged the terrified girl; stabbed her two or three times with a small knife; and bit her right wrist. The governess came, in response to the cries of Marie, and found her lying on the floor in her chemise, a handkerchief around her neck and a cord round her body. But the man had gone; the governess did not see him. Nobody saw him, except the persecuted Mademoiselle de Morell. The glass from the broken window-pane, where the man entered,

had fallen *outside,* instead of in. Mademoiselle told the governess that she thought she recognized M. de la Roncière. Later, she was sure of it.

Marie was able to attend a dance two or three nights later, and did not tell her mother of the knife wounds for several weeks. Meanwhile her distracted father, the general, received a letter from the monster, in which he gloated over all the injuries he had inflicted upon the poor child. Some of them—so the letter said—were of a kind which in many countries are punished by death.

The anonymous messages continued; the lieutenant was involved in a duel with another officer; and finally, owing to the almost universal opinion of his brother officers that he was the letter-writer, was coerced into signing a partial confession of guilt. He did this, believing the evidence against him was so overwhelming that it was his only hope of escape from a long sentence.

His trial became an enormous political sensation, which divided France into two camps, and was notorious throughout Europe. A number of experts testified that the letters were not in his handwriting, and that they were unmis-

takably in the hand of Marie. Moreover, the paper on which one of the letters was written was conclusively shown to be of a peculiar kind, matching exactly with some which the girl used.

All this availed nothing against her testimony. By the time the trial came on she was having periodical "attacks" of a nervous character, which occurred at certain precise times each day. The only possible hour for her to testify was at midnight. So, with the same care for dramatic effectiveness, and the same protection against cross-examination, which characterized the appearance of the Pig-Woman at the Hall-Mills trial, Marie entered the Court at a special midnight session, and was conducted to a large arm-chair. She absolutely identified de la Roncière as the man who came into her room, and treated her so cruelly.

As a result, he was found guilty of "attempting to commit an outrage," and of having wilfully wounded her. He was sent to prison for ten years. He actually served eight. There was, later, after his release, a legal investigation, which seems to have been equal to a reversal of the sentence. He was made a Commandant in the National Guard, and afterwards held high appointments, retiring with the Legion of

Honor. Here was a belated official apology; a resemblance to the Dreyfus case.

A few years after the trial, Marie married a Marquis, and lived in sanctity: a good mother and a gracious and bountiful lady. I wonder if she was ever troubled by thoughts of M. de la Roncière; his eight years in prison and his disgraced father. Her patient malice is hard to explain or excuse altogether on the ground of abnormality, and, however shocking to psychologists the suggestion may be, it is conceivable that, at the very beginning, the devils could have been cast out by three sound spankings.

XXIII

A RATHER MYSTERIOUS CHANCELLOR

At dusk, on a stormy December afternoon, a gentleman of venerable appearance descended into the lobby of the old City Hotel in New York. He was strongly built, rather tall, and dressed in black, with a tight-bodied coat in the style affected by the Quakers. His hair was powdered, and he carried a huge umbrella.

The old gentleman was an honored patron of the hotel, and the hall-boy carefully brushed his coat, before opening the door for his departure. He walked out into the twilight, and vanished from human sight.

One hundred and one years have elapsed since Chancellor Lansing left the City Hotel, and to this day nobody knows what happened to him. Of all the mysterious disappearances, this alone concerned a man really distinguished,—familiar by name to the whole community, and by sight to most of it.

John Lansing, then aged seventy-six, was as

widely known to his day as Mr. Elihu Root or Chief Justice Hughes to ours. As New York was then a smaller town, he was probably more quickly recognized on the street. He had served in the Revolution, as military secretary to General Philip Schuyler; had been elected again and again to the Assembly, and had been Speaker. He was once Mayor of Albany. With Alexander Hamilton and Robert Yates, he went to the Constitutional Convention at Philadelphia. His course there was not his most useful service, for then and thereafter he nearly kept New York out of the Union. John Fiske calls Lansing and Yates "the two irreconcilables," but a more friendly view credits them with helping to secure the first amendments to the Constitution, known as the Bill of Rights.

Lansing was once nominated for Governor, but declined to run. His most valuable work was done in his twenty-four years as judge. He occupied the posts of Chief Justice of the Supreme Court of New York, and Chancellor.* He presided at the extraordinary trial of Levi Weeks, for the murder of Miss Sands, in 1800. For fifteen years he had been retired from pub-

*As Chancellor, he presided over the Court of Chancery. The office was abolished in New York, I think, in 1848.

lic office, and was living in his native city of Albany.

The Chancellor came to New York the morning of Saturday, December 12, 1829, and stayed at the City Hotel, on Broadway, not far from Trinity Church. He had breakfast there, and also dinner,—the latter meal probably at about two in the afternoon. After dinner, he went to his room, and wrote some letters.

It has sometimes been supposed that when he left the hotel he was going to take the five-o'clock boat back to Albany. This is improbable, because he left his luggage in his room, and also because he had an engagement for tea, at six o'clock, with Mr. Robert Ray, at 29 Marketfield Street, near the Battery. It is reasonable to guess, however, that he may have intended to go first to the boat, in order to mail the letters he had been writing. At all events, he was never seen at the boat, or at Mr. Ray's house.

If such an eminent man vanished to-day, we can imagine what the newspapers would do about it. There was the greatest concern and excitement over the Chancellor's disappearance, but for more than two weeks the New York papers utterly ignored the event. This may have

been because local news was supposed to be known by everyone, and therefore was not worth printing; or it may have been for considerations of good taste. At last, on December 29th, *The Evening Post, The Spectator* and *The Commercial Advertiser,* alluded to the mystery, in notices of about three lines in length. This was done almost apologetically, and merely to call attention to an inconspicuous advertisement, offering the modest reward of $100 for information concerning the missing man's whereabouts.

This is the advertisement, from *The Evening Post:*

ONE HUNDRED DOLLARS REWARD.

☞ On Saturday morning, the 12th of December inst. JOHN LANSING, Jun. of Albany, formerly Chancellor of this state, arrived in this city and put up at the City Hotel. He breakfasted and dined there. Between 4 and 5 o'clock, he retired to his room and wrote for a short time, and between that time and six o'clock in the afternoon of the same day, he was observed to leave his room, with his surtout coat on, and with his umbrella. He has not been seen or heard of since he left his room. He had an engagement at the house of Mr. Robert Ray, No. 29 Marketfield street, fronting the battery, at six o'clock that evening. It stormed very violently, and it is feared that owing to the storm, he mistook his way and fell

into the river at the foot of Marketfield st. This, however, is merely an inference from the preceding facts.

The Chancellor was a man of muscular frame, about five feet nine inches in height, and about 76 years of age. He was dressed in black, and wore powder in his hair. His surtout coat was made of a dark mixed broadcloth. He wore an old fashioned English gold watch, the outer case of which, however, had been lost—a large white cornelian seal was attached to the chain or ribbon of the watch. He carried in his pocket a large magnifying glass, which he used in reading instead of spectacles. His name was written in his hat and on his umbrella. His tight bodied black coat was cut in the old fashioned style, resembling the coats worn by the Quakers, except that the collar was made in the style of coats that are now generally worn.

He was in good health, and has never been known to have been affected by any mental aberration. His trunk and all his baggage were left in his room.

The efforts of his friends to recover his body, or procure any precise information in relation to him, having been unsuccessful, the above reward of ONE HUNDRED DOLLARS will be paid to any one who will find the person of Chancellor Lansing; and a liberal compensation will be given for any information which may throw light upon this melancholy and mysterious transaction.

JACOB SUTHERLAND,
EDWARD LIVINGSTON.

New-York, December 28th, 1829.

N.B. Application for the above reward may be made to either Robert Ray, Esq. of 29 Marketfield

st.; John A. King, Esq. at Niblo's, Broadway, or at W. W. Chester's, Esq. No. 79 White st.

This reward was unclaimed, and the Chancellor, living or dead, remained undiscovered.

Now, there are two events which provoke even more interest than a notorious murder. One is the abduction of a child for ransom,—a crime often more cruel than murder, and more certain to cause public wrath. The other is the unexplained disappearance of an adult person, who has no apparent motive for flight or self-destruction.

One reason for the perpetual interest in disappearances, is that the possible causes are so many: the field is open for such a variety of guesses. There is abduction, murder, accident or suicide. To some owlish people there is only one explanation: a scandal. They nod their heads with the profound wisdom of the Complete Cynic.

"Oh, it's perfectly well known what happened to him—or her!"

If it is a man, there are difficulties about money; if a woman, surely a shameful love affair. The Complete Cynic is always in style, but, since we all are permitted a surmise, I

should like to offer a guess that some of the disappearances are, on the part of the missing person, quite innocent. The forcible abduction of an adult person, who comes from the ordinary, respectable class of society, is a very rare thing. But disappearance due to an undetected murder, or an unexplained accident is not an impossibility. Nor, if the body of a missing person is never found, is there proof that the police, or the relatives, are concealing knowledge. Because the bodies of suicides are usually discovered, and the bodies of murdered persons are very hard to conceal, it does not follow that concealment is not occasionally successful.

"Oh, the police know who killed Mr. Elwell!" say the wiseacres. Begging pardon of these wiseacres—my unsupported assertion is precisely as good as theirs—the police do *not* know. Why should they always know? Why shouldn't there be, once in a while, a crime too puzzling to discover?

"Oh, the family know what happened to such-a-one, who disappeared!" Again apologizing to these owls, the family are sometimes as badly in the dark as the rest of us. There *are* successful murders, in which the body disappears. There may easily be accidents or suicides in which the

body is swept out to sea, and never discovered; or if discovered, is unrecognized.

There was something of a panic in New York in the winter of 1829–30, following the disappearance of the old Chancellor, and some other similar events, which were reported. The terrible stories of Burke and Hare, the Edinburgh murderers, had recently come across the ocean. Doctors were supposed to be snatching not only dead bodies from the grave, but living people from the streets. One tale, which went about, was that missing children had been found in houses, "the haunts of the burkers," seated in chairs, their feet immersed in warm water, an artery cut, and the poor creatures left slowly to bleed to death.

Women and children were not allowed to go out at night, even to walk a few steps to church, without a male protector armed with a cudgel. Mr. George Halsey remembered coming out from an evening service with his father, and observing that his parent was only one of a number of men who carried big hickory clubs.

"I recollect," wrote Mr. Halsey, "that the coloured population were even more excited, none of them then being so bold as to leave home after dark. The other day I asked a venerable

old Ethiopian, whom I have known from boyhood, when his aunt was a domestic in my parents' house in Liberty Street, whether he recollected the 'burking' affair; he answered, almost to the verge, apparently, of trembling, that he did fully remember, and that the reminiscence was painful."

More than half a century after all attempts to find Mr. Lansing had been given up, the curtain was half raised, and then let fall again in an exasperating fashion. The incident recalls one or two books by English police officials, in which the authors hint that they knew who Jack the Ripper really was!

In the early 80's, there were published the memoirs of the journalist and politician, Thurlow Weed. The author, Mr. Weed's grandson, says that his grandfather was the confidant for many secrets, and that one day there came to him "a gentleman of high position," with some documents. These papers proved, not only that Chancellor Lansing had been murdered, but showed the motives for the murder, described the circumstances, and even named the guilty person or persons.

This gentleman instructed Mr. Weed to make all this known, when those who were implicated

should be dead. They were "men who had lived useful lives, and died with unblemished reputations." In the year 1870, the conditions were fulfilled, and it might have been possible to publish the information. Mr. Weed's informant, as well as the men implicated, had all passed from the earth. The journalist, however, found that the news would strike elsewhere, and do harm to the innocent. The murderers, or the conspirators, were beyond the law's reach, but others, immediately associated with them, and "sharing the strong inducement which prompted the crime" still survived. They "occupied high positions and enjoyed public confidence." Any stone thrown at their predecessors might bring them down in ruin.

Mr. Weed, in great doubt, consulted two friends, R. M. Blatchford and Hugh Maxwell. They considered the question from all viewpoints, and decided that if the original informant were alive he would change his mind. Mr. Weed never spoke to anybody else of the matter. He survived these two friends, and with him, in 1882, perished the secret of Chancellor Lansing's disappearance.

Was Mr. Weed contriving to darken the mystery, or was he dropping some hints? There are

possible clews in his story, as the astute Sherlockian has already perceived. What profits accrued to the murderers of the judge? Something more, evidently, than the old watch, the white cornelian, and the magnifying glass! Something which could be transmitted to descendants. Who followed the Chancellor as he plodded down Broadway, under his big umbrella? Had they tracked him all the way from Albany, waiting for this opportunity?

Did he take a carriage, which was already waiting for him, or was he decoyed into a house? The speculations are as interesting, now, as they were in that long-past winter—and they have exactly the same end.

XXIV

THE DEATH OF GULIELMA SANDS

One of the curious facts about a celebrated murder trial is that it may spring from an event so innocent or so obscure. All the public excitement; the rally of great lawyers and judges, may begin in surroundings as trifling and harmless as a children's birthday party.

A gardener's daughter goes to a rustic dance, and, on her way home, across the fields, falls into a pond, and is drowned. All the country, all the highest legal officials of the land, for years to come, are agitated over her fate, and a century thereafter men are writing learned books about the *cause célèbre* of Mary Ashford and Abraham Thornton.

Two brothers-in-law go into a garden, on July 4th, to amuse themselves at target practice. One is accidentally shot, and a year later their State rocks with excitement over the trial, for murder, of the survivor,—"a Harvard professor."

Some bandits kill a paymaster and another man in a little New England town, and by an unexpected succession of events, noted literary

men, all over the world, become involved in a tremendous agitation. America, the happy hunting-ground of the murderer, the land in which the assassin habitually thumbs his nose at the law, and goes scot-free,—this paradise for the man of homicidal tastes, becomes an object of denunciation for "ruthless cruelty."

Porters in American embassies, in far lands, have to jump for their lives, as bombs go off in order to express the brotherliness, the love of humanity, of the bombers.

Did Miss Sands and her lover, young Mr. Weeks, leave the house together on a December night more than a century ago? If it was proved they did, there was no doubt what would happen to Mr. Weeks. Did he really take the bells off his brother's sleigh, so that he might drive it silently to a lonely spot in Lispenard's Meadows, —that dismal swamp on the outskirts of New York? If so, he would surely climb the gallows, in some public place, so that all the people could observe, and benefit by the spectacle. I do not think that they had begun to have hangings in Washington Square at that time,—it was too far uptown, too remote and rural to be convenient for the citizens.

It was a Sunday night, three days before

Christmas, and the year was 1799. New York had probably heard the news of Washington's death, which had occurred a week earlier, at Mount Vernon. The city was to have, on the last day of the year, a great funeral procession, led by the commanding general of the army, Alexander Hamilton. Yet New York, which stretched from the Battery almost up to the ditch which is now Canal Street, was not too large to get thoroughly excited about the disappearance of a very pretty girl, named Gulielma Sands.

She was twenty-two years old, and although not herself one of the Friends, lived with her Quaker cousins, Elias and Catherine Ring, in Greenwich Street, near Franklin. You may like to stand in that thoroughfare, under the shadow of the Elevated Railroad, and wonder where, in that neighborhood, now so depressing, their pleasant cottage could have been situated.

The boarders at the Rings included a young carpenter, Levi Weeks, and his apprentice; two youths named Russel and Lacey; Hope Sands, the sister of Mrs. Ring; and others. Weeks had been paying particular attention to Miss Sands; to Gulielma—or Elma, as, for the sake of brevity, they called her. In fact, his courtship had

given a household of active snoopers, listeners and eavesdroppers the time of their lives. Somebody, as was afterwards testified by the persons themselves, was forever taking off his or her boots, and pussy-footing up-stairs to apply an ear at a keyhole.

When, therefore, on the Sunday afternoon, Elma told Hope Sands and Mrs. Ring that she was going out with Levi Weeks that evening, for the purpose of getting married, neither of the ladies cautioned them about haste, or advised them to think it over. The lovers were generally thought to have been rather deliberate.

At eight o'clock—it was a cold night, with snow on the ground—Mrs. Ring had heard Elma come in, and now she heard her go out again. She had heard Weeks in the house, and thought she heard the two whispering together on the stairs. She thought that the young man went out with Elma, but she did not know. She did not *see* them together. All that she could say was that Weeks did come in about ten o'clock, pale and agitated, and asked for Hope and for Elma.

Neither was in. At breakfast, next morning, Elma was still absent, and although this was not unprecedented, the family began to inquire.

A day or two later, a boy wandering near an unused well in Lispenard's Meadows, found a woman's muff. He took it home, but did nothing more. The funeral procession of the great ex-President occupied everybody's interest until New Year's.

On January 2nd, somebody looked down this Manhattan Well, as it was called, and discovered the body of Elma Sands. The well had been recently dug, but was covered and curbed. It was in a spot so lonely that tales about spirits and ghostly fires, hovering over the well-curb, soon had a wide acceptance.

If, like me, you are sufficiently curious about old murders, you may stand near the brink of that well, by going into a dirty little alley, near Number 89 Greene Street. The hole in the concrete pavement may not be the actual site of the well, but it is near it. And it is a fine exercise for your imagination to try to see this region as a deserted morass; an open field, where, in summer, the cows grazed all day long, and, at nightfall, took up their slow march, to the melancholy clanking of cow-bells, down that pleasant country lane called Broadway.

The trial of Levi Weeks, for murder, was

held in the old City Hall, corner of Wall and Nassau Streets, where the Sub-Treasury stands. The Chief Justice, John Lansing, was on the Bench, assisted by Mayor Varick and the Recorder. The People were represented by an Assistant Attorney General, but even his redoubtable name, Cadwallader Colden, must have been hardly enough to sustain him against the heavy guns trained on him by the defense.

The brother of Levi Weeks was wealthy, and the prisoner was able to come into Court with the most distinguished array of counsel ever seen in a murder case. One was Brockholst Livingstone, but the other two were the political rivals: Alexander Hamilton and Aaron Burr. Hamilton had already been Secretary of the Treasury, and Burr, within a year, was narrowly to miss the Presidency, and to become Vice-President instead.

The session began on a Monday morning and, in the custom of that period, continued until half-past one on Tuesday morning. The Chief Justice was for going on, but the jurors complained that they could not keep awake. There was a recess until ten on Tuesday morning, when the second and final session began and lasted until half-past two on Wednesday morn-

ing. Seventy-five witnesses had been examined, and the prosecuting attorney said that he had been without "repose" for forty-four hours, and that he was "sinking" under the fatigue. By mutual consent, closing addresses of counsel were omitted, and after a brief charge, the jury were given the case.

There are, in our records, few trials so dramatic. The eighteenth-century atmosphere, present in the ceremonious conduct of judge and counsel; and present also in the unruly behavior of the crowd, who wandered about and pressed close to the bar; the dark Court, lighted here and there by candles; the handsome and distinguished faces of the two statesmen; and the troop of witnesses—some of them Quakers and some of them young rascals of the town—all these made the Weeks trial a strange event in our legal history.

The case against the prisoner was rather feeble. On that evening, nobody had seen him outside the house with the girl. About all that could be said was that she was cheerful and seemed in no mood for suicide. A woman's cries for help were heard coming from the vicinity of the well. A woman with two men in a sleigh, a sleigh without bells, was seen going toward Lis-

penard's. And Susanna Broad, "an aged and very infirm woman," testified that she heard a sleigh, without bells, come out of Levi's brother's yard about eight that night.

Prisoner's counsel, however, in cross-examination made Susanna's infirmities of mind quite apparent to the jury; she acknowledged that the incident might have happened a week before, or a week after Christmas. And one Demas Meed, who took care of that horse and sleigh, testified that there was no indication that they were out that night. The medical testimony was contradictory; some of the doctors thinking that the bruises on the body were not wounds, inflicted by another, but merely incidents of the girl's fall into the well. The famous Doctor Hosack, who testified for the State, only saw the body as it lay, strangely enough, exposed to public view for a whole day in the street.

The judge charged strongly in the prisoner's favor, and the jury acquitted him in four minutes. Public opinion was hostile, nevertheless, and he had to vanish from the city.

One of the oddest incidents in the trial was the appearance of a witness who gave testimony rather prejudicial to Weeks, and was accused of personal enmity. He admitted a quarrel with

the prisoner about Elma; and it was alleged, by other witnesses, that he had been active in stirring up hostility to Weeks; that he had himself been near the well on the night of the murder; and that he had published handbills, directed against the prisoner, and describing ghostly figures which were to be seen around the well. This man, who flits in and out of the record of the trial, now as a witness, and now as a spectator, but always as a suspicious and malevolent figure, had the astonishingly apt name of Croucher.

Finally, one William Dustan testified: "Last Friday morning, a man, I don't know his name, came into my store——"

Then occurs this note in the report: *Here one of the prisoner's counsel held a candle close to Croucher's face, who stood among the crowd, and asked the witness if it were he, and he said it was.*

This is probably the foundation of a story which has been related in the biographies of both Burr and Hamilton. James Parton, in his life of Burr, tells the story as he got it on the authority of a friend of Burr, who had heard the latter relate it. It was that the candles were used by the lawyer to throw a sudden light on the face of Croucher. As the evil-looking man

drew back in great alarm, Burr exclaimed: "Gentlemen, behold the murderer!"

This, according to Burr, influenced the jury to acquit the prisoner. It is perfectly reasonable to suppose that Burr did tell such a story, but the event may have happened in another trial, and have become confused in his mind, in his old age, with the simpler and less dramatic incident in the Weeks trial.

Henry Cabot Lodge, in his life of Hamilton, tells the story, names Croucher, but attributes the candle incident to Hamilton. This was on the authority of Hamilton's son. He merely places the candles where they will throw a strong light on Croucher's face, during cross-examination, and bids the jury mark "every muscle of his face, every motion of his eye." Croucher breaks down in his testimony, and the prisoner is saved.

Later historians have rejected both stories, relying on the less striking incident which happened while William Dustan was testifying. This comes from the report of the trial published by William Coleman, who was present in Court. (Coleman was to become, the following year, first editor of the New York *Evening Post*).

Senator Lodge finally recanted, and also attacked Parton for using the story. But it is apparent that Parton's authority was good, coming at second hand from Burr himself. And, as I said, the incident may have happened in *some* trial. That the candle incident, in the Weeks trial, was trifling, as Senator Lodge concluded, is not altogether certain, merely because it is dismissed in few words in Coleman's brief report.

Richard David Croucher was a sufficiently sinister character to figure in such an incident. He was an Englishman, who had been in America only about a year. He lived at the Rings', and about the time of the Weeks trial committed an offence which brought him before a criminal court. Margaret Miller, a young girl, charged him with rape, and in July, 1800, he was convicted and sentenced to prison for life.

Senator Lodge writes that he was afterwards pardoned and went to Virginia. Here he committed a fraud, and fled to England, where he "is said to have been executed for a heinous crime."

Legends sprang up from the Weeks trial, and an atmosphere of doom surrounded its participants. The Chief Justice, John Lansing, was

the victim of a mysterious fate, described elsewhere in this book.

It was only four years after the trial that Aaron Burr killed Hamilton in their duel. When this occurred, people are said to have recalled a remark made in Court by the Quakeress, Catherine Ring, as she heard the verdict of acquittal. In her opinion, the betrayer and murderer of her poor young cousin was escaping all punishment.

Turning to his chief counsel, Alexander Hamilton, she said, with great solemnity:

"If thee dies a natural death, I shall think there is no justice in Heaven!"

XXV

THE CRIME IN THE SUNDAY SCHOOL

Murder, that ravening wolf, has intruded his gaunt and savage form into some odd places. But never into one so utterly incongruous as the Sabbath School of the Warren Avenue Baptist Church of Boston, on a Sunday afternoon in May, 1875.

Here were certainly gathered an innocent flock of sheep and ewe-lambs. Not one had the faintest idea that the Enemy was in the fold, wearing the traditional disguise of sheep's clothing, and modulating his snarls to a pious bleat.

The day was warm and pleasant. Sunday School was over: it had lasted from half-past two till half-past three. The pastor of the Church, felicitously named the Reverend Doctor Pentecost, had been acting as Superintendent of the school,—possibly to keep watch and ward over teachers and pupils, and prevent any secession. In this congregation there had been some tendency to stray off for worship at an-

other church, to which their former pastor had gone.

Doctor Pentecost closed the exercises, and dismissed the school. He spent five or ten minutes talking with this one and that, and then departed to make a call upon one of his ailing parishioners.

The others, children and grown-ups—for there were a few adult pupils in the school—streamed through the Church, to the Sunday School library, or to the vestry, into the vestibule, and thence to the side-walk and street. They were chatting together in little groups: the usual innocuous talk of those who have ended their formal devotions for the day. For most of them this was the only time in the week for the mild pleasure of social conversation.

There were Eddie Jordan and the Roundy boys, George Barker, the little Wiggin boy, the two Mayhew children, Jennie Knight, Callie Smith, Flora Leland, Charles Haven, Forrest Goodwin, Freddie Jacobs with his brother and sister, and little Winnie Tufts. There were many more, besides, but afterwards nobody could say how many had been at Sunday School. Probably sixty to a hundred, and some of them must be living to-day.

There were also the officers and teachers: Miss Rosamund Pentecost, the minister's sister; Miss Forristall and Miss Root and Miss Silena Hinman; and there were William Osterhalt and Miss Hannah Dwyer and Philander J. Forristall. There were also Mr. Duffield and Mr. Haskell, Mrs. Wiggin and Miss Hattie Morrison, all teachers; and there was Deacon Norris, who came over every Sunday from Charlestown and stayed around the Church all day long. It was no day of rest for the Deacon, for there were evening services to follow.

Also, there was Mr. Walter Sawyer, the assistant librarian of the Sunday School, busy in getting the Bibles picked up, and afterwards in giving out books to the applicants.

Mark Twain, in one of his stories, is scornful about the librarian of a Sunday School, as a self-important busybody, full of splutter and fuss. But Mr. Sawyer, in a few minutes, was to show that he possessed resolution and a right arm which was strong indeed for one who was, after all, only an assistant librarian.

All of these folk, as they walked decorously out under the trees, were dressed in the bizarre styles of the 1870's: the gentlemen inclining to beards, side whiskers, and low-crowned derby

hats; the ladies to enormous skirts, basques and bustles; and the children to sundry archaic absurdities.

These costumes, so we may suppose, typified Victorian prudery, the intense bigotry of the Old Black Walnut Era, when people asked for a slice off the "bosom" of a chicken, and carried about with them a supply of conversational fig-leaves, with which to drape speech and thought. We may believe that, if we like, for it is a comforting creed, accompanied with the assumption that we of to-day are noble, broad-minded, and free from superstitions and taboo.

However we regard these artless people, standing in the sunlight of that far-away summer afternoon, whether we look upon them in mockery, or with sympathetic amusement, a few of them appear in such a tragic plight that nobody can see them without horror and pity.

One of these is a little girl, named Mabel Young. She was less than six years old, and I fancy that the picture of *Alice in Wonderland,* receiving the thimble from the *Dodo,* may look like her. This idea arose partly from a crude picture of Mabel which I have seen, and partly from the fact that she wore a round comb, of the kind which we associate with Alice.

It is a mistake to do so, for in the first of the Alice books she wears no comb nor other fastening on her hair, while in the second, she uses a ribbon. Yet the general costume of Lewis Carroll's heroine, and the little girl in the Boston Sunday School, were similar.

Mabel Young had come to the Church that afternoon with her aunt, Miss Augusta Hobbs. During the hour of the school, she sat in Mrs. Roundy's class, and afterwards went with her aunt to get a book. Mrs. Roundy said that no books were to be given to the younger children that day, but that an exception could be made for little Mabel. So Miss Hobbs gave her niece a book called "Apples of Gold." I think we can imagine its appearance and character.

The child took the book, went into the vestibule, and vanished from sight. Miss Hobbs remained at the bookcase, defending it from an onslaught by two or three small boys; perhaps weakening a little, when the eye of Mrs. Roundy was not upon her, and granting their demands for books. Other people came into the room, and the lady talked with them for a few minutes, before going after her charge.

Mabel was not in the vestibule, and her aunt ran into the street and asked some ladies if they

had seen her. Not learning anything, she went back into the Church, into what was called "the audience room," and called out the child's name. Others of the grown-up people, and some of the children, became interested, and began to hunt for the little girl throughout the building, and adjacent grounds. Miss Hobbs and Mrs. Roundy hurried to the home of the latter, to see if Mabel had already gone there. She was a timid child, and it was unlikely that she would go anywhere alone.

There were dozens of witnesses to the events of the next fifteen minutes, and it is possible to learn the story from twenty different angles. Miss Hattie Morrison, one of the teachers, went upstairs, to the library, called out, and listened, to hear any foot-steps or cries from the lost child. Everything was silent. Then she descended, went outdoors, and was crossing the street when she noticed a great fluttering and commotion among the pigeons who usually lived at peace in the belfry of the church. As she stood looking at them, she heard, from the belfry, a shriek of distress. This was repeated, and Miss Morrison ran back into the church to spread the alarm.

Others were already bringing the news: peo-

ple who lived across the street had noticed the excited pigeons, flying in and out, and they had also heard cries from the top of the bell tower.

Two or three of these persons went, in the course of the next few moments, to the man who was responsible for the care of the church: the sexton. This official did not prove very helpful. He said that it was quite impossible for anyone to be in the belfry. The doors leading to it were locked, and neither he nor anybody else had been up there for months. Where were the keys? He said he had no keys, and if there had been any keys, he had lost them, and did not know where they were.

Other neighbors were arriving all the time, passersby were entering the church, and small crowds were gathering outside and in. Groups of people stopped on the side-walk, watched the pigeons, and listened to the occasional faint screams from the tower.

Meanwhile the sturdy librarian, Mr. Sawyer, finding the sexton indisposed to help, and discovering that the door leading to the tower was securely locked, took off his coat, and with the aid of a pair of pincers, tore off the lock or bar, and opened the door. Followed by one other man, and at some distance and with much hesi-

tation by the sexton, he rushed up a long, steep stairway to the first deck of the tower. Above that was another long, ladder-like stair, and above that was a closed and heavy scuttle, opening to the upper deck. This he raised, and from among the nests of the pigeons, lifted the body of the little girl.

Her head had been terribly injured by a number of blows. The little Sunday School book was still in her hand. Her eyes were open, but she was unconscious, although she continued to scream at intervals. Her skull was so fractured that no operation was possible; she lived for twenty-four hours at the house to which she was removed. Then, without recovering consciousness, she died.

The police found a blood-stain on the lower deck of the belfry, and also, under a loose board, found a blood-stained cricket-bat with which the murder had been done. This bat had been seen, earlier the same day, in the Sunday School rooms below. The murderer had enticed, or carried, the child to the first deck of the tower, and there killed her. He had then raised the scuttle-door and thrown her body to the upper deck, hoping that it would remain hidden there until night, at least, when perhaps it might have

been buried in the cellar of the Church. The fright of the pigeons, and the cries of the child, who, to his dismay, still lived, defeated his plans.

The police held an unfavorable opinion of the sexton, and took him in charge that afternoon. He was a native of Nova Scotia, and about twenty-six years old. His name was Thomas W. Piper. He was arrested for a variety of reasons; one of them being the fact that he had, about a year before, been charged with the murder of a girl. On this earlier occasion, lack of evidence caused his release.

During the first twenty minutes after the vanishing of Mabel Young, he was absent, and unable to show where he had been. Then he appeared and began noisily to slam some of the chairs, as he folded them up, as if to attract attention to himself. He was, moreover, caught in a number of lies. For example, when he was searched at the police station, the "lost" keys to the tower were found in his pocket.

One or two witnesses testified that they had seen a man, that afternoon, leap from the lowest window of the tower to the ground,—a distance of about twelve feet. The theory was that as Piper came down the tower stairs, he heard

Miss Hobbs calling for the child. He feared to descend openly from the tower, and therefore jumped to the ground below, ran around the church on the outside, and appeared with a show of innocence in some room where he had lawful occasion.

He was tried twice. At both trials, the prosecution was led by the Attorney General, Charles R. Train, whose son is Arthur Train. The jury at the first trial were unable to agree. At the second, they deliberated an hour and forty-five minutes, and found the prisoner guilty as charged. He was hanged in May, almost exactly a year after the crime.

As the conviction was obtained chiefly on circumstantial evidence, it is satisfactory to be able to report that no mistake was made. Only a day or two after his arrest he made statements to Doctor Pentecost, which were in the nature of admission of guilt. Then he denied his guilt at the trial, and let his counsel suggest that some unidentified boys had caused the death of Mabel Young. Another theory of the defense was that the little girl had wandered up there by herself, raised the trap-door, which a man could barely lift, and had been killed when it fell upon her. To whom the learned counsel attributed the

blood-stained cricket-bat, I do not know. Perhaps to Mrs. Roundy.

After all legal recourse had failed him, Piper made a detailed confession to his counsel, and later put it in writing. In it, he confessed the murder of Mabel Young, and also of Bridget Landregan, of which he had been accused. He also confessed a murderous assault upon one Mary Tynan,—who became a lunatic as the result of his attack upon her, with his favorite weapon, a club.

He was not insane; he was undoubtedly abnormal. It requires a very soft heart, and a rather soft head, to allow one to weep for the fate of Thomas Piper. Until a way is found to keep such persons from being born at all, society will wish for some effective protection from human wolves. Life imprisonment may afford that protection—but not until life imprisonment means prison for life.

XXVI

MR. SPOONER'S IN THE WELL

There was much that was shocking, but little that was new in the murder of Mr. Snyder of Long Island by Mrs. Snyder and Mr. Gray. The destruction of a middle-aged husband by a younger wife, cheered on by the prospect of financial gain, and aided by a lover of her own age, had in it few elements of originality. The murder had three or four striking points of similarity with one which scandalized Massachusetts, and the other American colonies, as long ago as the early years of the Revolution.

In 1778 the country was full of wandering soldiers. Burgoyne's recently captured army was at Cambridge; many New Englanders who had served in the early campaigns were returning home. At Brookfield, near Worcester, Mass., lived Bathsheba Spooner, and her rather insignificant husband, Joshua. Mrs. Spooner was a woman of striking beauty; thirty-two years old; rather arrogant in manner,—or, if you prefer, with a sense of her own dignity and

social position. For she had that position by birth, though it had not been enhanced by her marriage to Mr. Spooner.

Her father was one of the most distinguished men of the Colony,—Timothy Ruggles, a graduate of Harvard, Chief Justice of the Court of Common Pleas, and a brigadier general under Lord Jeffrey Amherst, when that commander was proceeding against the French and the Indians, as they sing at Amherst College even today.

General Ruggles was wealthy; he lived in a style fairly baronial, preserving deer and keeping a pack of hounds; he was a good citizen and an honest public official. Willing to serve his own and the other colonies up to the point of rebelling against the King, he was not willing to proceed as far as that. Consequently, with many other Americans, he was considered, in 1778, a traitor to his country. He had gone into exile in Canada; his estates were confiscated.

Whether twelve years of married life with Joshua Spooner, her residence in the small town of Brookfield, and her father's misfortunes, had caused Mrs. Spooner to become demented is a questioned point. When her story was discussed, some years ago, before the American

Antiquarian Society, a venerable colleague of mine, a librarian, arose to defend her memory. Claiming her as a distant relative, he said that she was undoubtedly insane. His reasons were that her own family had always said that she must have been crazy; and that she was guilty of the double offence of murder and of an amorous intrigue with a young man.

These things may be strong proofs of insanity when the subject is a relative, but of themselves, they are hardly convincing. That a perfectly sane woman may plot and commit a brutal murder, and fail to take the most ordinary precautions to conceal the crime, has been proven in recent years in the case of Mrs. Snyder. And Bathsheba Spooner is a pitiable figure, without the need of any argument as to her sanity.

The other person in the triangle was Ezra Ross, eighteen years old. He was an American soldier, returning from the war,—probably from the campaign against Burgoyne. He seems to have returned toward his home and his "respectable parents" in Ipswich, and to have fallen sick in the hospitable care of the Spooners. They treated him with great kindness; Mr. Spooner liked the youth, and after his

recovery made trips with him to various places in the vicinity. And long years afterwards there was an old gentleman of the town who remembered seeing young Ross and the handsome Bathsheba riding on horseback together. They made a fine pair, said he, for Ross was also good-looking.

Quite in the manner of the notorious lovers of Long Island, they discussed, during their rides, the best methods for removing Joshua from the picture. Poison and other fancies were entertained. At last, Mr. Spooner and Ezra Ross went away on a trip to a neighboring town. They were gone for a week or two, and the young soldier had taken with him, in his pocket, a small vial of poison,—just for luck, and in case anything should turn up.

Nothing happened to either of them, but at home in Brookfield a more resolute spirit was at work. Possibly because she shared her father's political opinions, and thought more highly of the resolution and efficiency of the soldiers of the King than of the colonial troops, Mrs. Spooner posted one of her servants on the highway, with orders to bring in the first pair of British soldiers who came that way. In this method she easily enlisted Sergeant James Bu-

chanan, a Scottish veteran, about thirty years old; and Private William Brooks, an Englishman, three years younger. The affair had now assumed a somewhat international flavor.

The soldiers understood that they were invited to breakfast, and made no difficulty about accepting. To their surprise, the meal was not served in the kitchen, but in the dining-room, where the lady herself ate with them. For a week or two thereafter they were about the place, well provisioned, and, as one of them said, "very merry."

Mr. Spooner returned and was as much annoyed to find them, as was Sam Weller when he saw Mr. Stiggins enjoying buttered toast and pineapple rum at the Weller fireside. Sergeant Buchanan and Private Brooks sat around the Spooner hearth, drinking mugs of flip, rum noggin, and other decoctions whose names make life in the eighteenth century seem so pleasant and desirable. It was late in February; snow was on the ground, and the fireside of the Spooners was much to be preferred to the cold highway and the dismal road to Canada. Moreover the beautiful lady had told them what an annoying person her husband was; and what rewards in cash would be theirs if they could

but see their way toward obliging her in a little matter,—one which could not be difficult for soldiers, so big and strong and brave.

On the morning of March 2, one of Mr. Spooner's servants came into Cooley's Tavern in Brookfield, and anounced that nobody could find Mr. Spooner. This seemed—to the people in the tavern—rather strange. The missing gentleman had been at the tavern the evening before, and had started for his home, half a mile distant, at an early hour. Although he lived at a time when strong drink was uncurbed in the land, he had gone home in a condition of far greater sobriety than that which attended the unfortunate Mr. Snyder, who lived under the full blessings of Prohibition. Yet at the Spooner house, they simply could not lay their hands on Mr. Spooner.

The neighbors came to the place in a body, and although Mrs. Spooner was in a state of great distress, it soon struck everyone that the previous search had been made in a manner closely approaching gross and culpable negligence. The snow was much trampled in the yard; there were blood-stains upon it in more than one place; and there was more blood on the well-curb. In the well, as anyone might see,

unless he were afflicted with myopia in its very worst form, was the battered corpse of Mr. Spooner.

The body was brought into the house, where an inquest was held. Except for a small daughter, no member of the dead man's family would go near him. Finally, and at the request of the doctor, Mrs. Spooner drew near, put her hand on her husband's forehead and said, "Poor little man!" Why the doctor asked her to touch the body is not clear, unless it was an attempt to submit her to the "ordeal of touch," to see if the murdered man's wounds would bleed again under the hands of his assassin. This superstition has been trusted more recently than 1778; but not usually by physicians. However, perhaps the doctor had another and a psychological motive for his request.

The coroner's jury and the neighbors took a highly unfavorable view of Mrs. Spooner's conduct. This was not improved when Buchanan and Brooks were found, a little overtaken by drink, in Worcester, and displaying articles of clothing which seemed familiar to the persons who had known Mr. Spooner. Brooks had a pair of silver shoe-buckles with the initials J. S. on them, and nobody recalled

that anything of the kind was issued to privates in His Majesty's forces.

The murder, and the arrest of Mrs. Spooner, Ross, and the two British soldiers caused a great and painful sensation. The prisoners had an eminent lawyer to defend them, but, in view of the confessions of all, there was little which he could do except raise the question of sanity and deal in technicalities. As in the Snyder case, the plot had been ruthlessly formed, with a childish disregard for any reasonable attempts at concealment. Shortly after the murder was discovered, all the participants broke down and made either confessions or damaging admissions.

Testimony of the gravest character was produced as to the conduct of Mrs. Spooner before and after the crime. One Obadiah Rice testified that he had heard her say that she "wished Old Bogus was in Heaven." There seems to have been no attempt by the defense to prove that Old Bogus was really an ailing cart-horse, nor anybody but the master of the house.

Another man, who lived at the Spooners', but was conveniently asleep during the crucial two hours which followed Spooner's return from the tavern, swore that later in the night he rose

and went to the kitchen. Bathsheba and her three partners were merrily burning some clothes; other garments were being distributed among the men. Ezra Ross put on the late Mr. Spooner's jacket and breeches. Buchanan already had on one of Mr. Spooner's shirts; Private Brooks drew a shirt and a handkerchief, in addition to the silver buckles. There was much talk of a money reward; $1,000 had been promised, but only about $450 was paid.

Mr. Lincoln, for the prisoners, made a plausible argument to show that Mrs. Spooner was insane, but the jury found them all guilty. The trial lasted sixteen hours, and Mrs. Spooner was perfectly composed throughout. The detailed confession of the two soldiers involved in the plot a number of the Spooners' servants, but only the three men were in the actual murder. They had been stalking Mr. Spooner for two weeks, but on the final night Brooks knocked him down with his fist, as he entered his house. Then Brooks "partly strangled" him. They robbed the body, and afterwards all three put him into the well, head-first. On going back to the house, they found Mrs. Spooner "vastly confused" but able to go upstairs, bring down the strong-box and pay them the price of blood.

The four were condemned to die in June. The parents of Ross made a pathetic petition to the Council, as for a youth "seduced from virtue and prudence by a lewd and artful woman." A respite was granted for one month for the men that they might have further time to prepare themselves, spiritually, for death. Mrs. Spooner made the request for another reason: that she was several months advanced in pregnancy with a lawfully begotten child.

The latter request led to the issuance of a document rare but far from unknown in criminal law—a writ *de ventre inspiciendo*. It having been represented by Bathsheba Spooner that she was "quick with child," the Sheriff of Worcester was commanded to assemble "two men midwives, and twelve discreet and lawful matrons" of the County, and after due investigation to report upon the truth of the prisoner's assertion.

The jury of matrons and the other experts made due return on this writ, on June 11th, and gave as their verdict that Bathsheba's statement was not correct. Sixteen days later another document was addressed to the Council, and signed by the two "men midwives" and Hannah Mower, not on the original jury, but herself a "woman midwife." This reversed the opinion,

and agreed that Mrs. Spooner was "now quick with child." On the same date, however, Elizabeth Rice, one of the original matrons, and a new-comer, one Molly Tattman, after investigation at the prisoner's request, confirmed the opinion of the jury, and found against Mrs. Spooner. In view of this contradiction of authorities, and probably also because of recollection of this plea as a favorite device of female convicts from the earliest times, nothing further was done in the matter. The plea is still being made, however, not only in fact, but on the stage,—when Roxy Hart, the heroine of Miss Maurine Watkins' play "Chicago," adopted similar tactics.

A false account of the execution represents it as taking place in Boston, and declares that Mrs. Spooner was hanged "in white satin." This, or at any rate the Boston part of it, is untrue. The scene was Worcester, and the execution was in public, and in the presence of thousands. The three men went to the gallows on foot; Mrs. Spooner was carried in a chaise. A terrific thunderstorm burst shortly before they reached the place, and produced, says the historian, "a dreadful scene of horror."

Mrs. Spooner bowed pleasantly to many of

her friends, as she sat in the chaise. When her companions were prepared for execution, she smiled gently, stepped out of the carriage, and "crept up the ladder on her hands and knees."

At an autopsy, which was performed that night, the fact was discovered that she had been right, and that the jury of matrons were wrong in their statement about her condition. This produced a terrible revulsion of feeling, and much condemnation of the authorities in that they had not granted a further respite. The crime and its expiation seem to belong neither to the eighteenth nor to the twentieth century, but to some ruthless tragedy of the Elizabethan theatre.

XXVII

RULES FOR MURDERESSES

"A woman with fair opportunities," said Thackeray, "and without an absolute hump, may marry whom she likes."

That is an understatement. A woman's privileges are even greater—for if she will observe a few restrictions she may *murder* whom she likes. It is three to one that she will go scot-free. If she is treated with severity it is because she has disregarded one of the obvious rules.

I have been looking over the histories of about thirty more or less charming ladies who have chafed under the suspicion of having removed some person or persons from the earth by violent means. They are the more remarkable of the sisterhood and range in time from Miss Mary Blandy, who fell foul of the law more than a century and a half ago, down to Mrs. Le Bœuf of Louisiana, whose name figured grimly in the newspapers in 1929.

The women who appear in my survey have dotted the earth from the rainy Scottish moors, where Katherine Nairn made her home, to the

burning plains of the Punjab, where flourished Mrs. Fullam of Agra and Meerut.

Augusta Fullam, although little known to fame in America, was one of the most extraordinary of all time. It was she who penned that Napoleonic sentence, admirable alike for terseness and decision:

"So the only thing is to poison the soup."

Eight of the thirty women—three of whom lived more than a century ago—actually paid the law's highest price. These eight, who perished at the hands of the executioner, chosen as they are from the records of one hundred and seventy years, are women who disregarded one of the great rules for murderesses. And this brings me back to my remark at the beginning: that the wise murderess will take care to observe a few simple restrictions. She overrides these at her peril. Briefly, the regulations are as follows:

1. *If you decide to murder your husband you must never act in concert with a lover.*

In comment upon this rule it must be added that a lover should appear nowhere in the record; not a sign, not a suspicion, not even a shoe lace of his. The careful murderess of her husband removes him, unaided, and then proceeds,

helped by a clever lawyer, to blacken the dead man's character. This is always successful, and very popular: she usually becomes a heroine.

All women who find their husbands annoying —and it is astonishing how many there are of these—make her cause their own. By the time the trial is over, people are wondering how so wicked a man as the dead husband was allowed, by Heaven, to live as long as he did.

2. *It is inadvisable for a maidservant to murder her mistress under circumstances of extreme barbarity.*

Kate Webster, about fifty years ago, in England, killed her mistress for the purpose of robbery. Webster was a big, muscular and rather savage-looking woman; her employer, Mrs. Thomas, was small and frail and alone in the house. Webster was heard by the neighbors pounding and chopping, and was afterward known to be boiling something in the copper wash boiler.

A day later she was making calls on her friends and joining them at tea, carrying with her a small black bag. When still later the disappearance of Mrs. Thomas and the flight of Webster began to be investigated the black bag was found and its contents examined. There-

after, throughout Great Britain, Kate Webster was regarded with considerable distaste, and this never ceased nor diminished until the sentence of the law was executed.

Webster blundered at every opportunity. She made the mistake of operating in England, instead of America, and of limiting her murders to one. As I hope to show, by further examples, a woman's immunity from severe punishment increases according to the number of persons she murders.

3. *Even in the murder of a father or mother the astute murderess will take care that no lover appears upon the scene.*

Plain murder is often forgiven by a jury. But murder combined with a love-affair is almost always disapproved. The feeling is that somebody has been having too much fun. The famous Miss Mary Blandy, of Henley-upon-Thames, found certain obstacles in the way of her marriage with Captain the Honorable William Cranstoun, a Scot of ancient lineage. One of these—or, rather, two of them—were the captain's wife and daughter. More serious, however, was her father's dislike of Cranstoun. Still, as Mr. Blandy was old and a man of wealth, and as Miss Mary was his only heir,

almost anything might happen. So the captain sent his sweetheart some powders, described as a "love philtre," and supposed to awake, in the old gentleman, sentiments of warmest affection for military men in general and for Captain Cranstoun in particular.

Miss Blandy administered these powders to her father—in his tea and in his gruel—and continued to administer them, even when, so far from causing him to conceive a liking for the captain, they merely made him very ill. Finally he died of them; Cranstoun fled to Europe; and the officers of the Crown hanged Miss Blandy upon a gallows at Oxford. She died with notable modesty, however, remarking as she climbed the ladder:

"Gentlemen, do not hang me high, for the sake of decency!"

A hundred and forty years later in Massachusetts a similar situation arose, with far different results. A lady of about Miss Blandy's age, and also the heiress of a wealthy father, fell under grievous suspicion of having caved in his head—and also that of her stepmother—with a hatchet. Her name was Miss Lizzie Borden, and the State showed evidence of motive, animus, opportunity and guilty knowledge

of the crimes. Indeed, it has been very hard to understand how anyone except the lady could have committed the two murders, at an interval of more than an hour, and escaped unseen.

Some cynical persons, weary of the hymns to her innocence chanted by her admirers, suggested that perhaps the old people murdered each other. And a newspaper man offered the sarcastic theory that the shocking wounds on the heads of the victims should be disregarded and, in view of the warm weather at the time of the tragedy, the deaths should be put down to heat prostration.

One thing, however, the law could not show, and that was the existence of any love-affair. Despite unsubstantial gossip, nothing appears in the record about any entanglement with a man. The jury had a fine disregard for logical proof and preferred to rest on the theory that what seemed unheard of, was therefore impossible. The State asked them to believe that the lady secretary of the Young People's Society for Christian Endeavor had, in broad daylight, and in the manner of a Mohawk warrior, attacked and slain two elderly persons with a hatchet or an ax—one of the sufferers being her own father.

The gossip of some of the townsfolk, in order to account for the mysterious absence of blood-stains on her clothes, went still farther and advanced the fantastic theory that she had given the scene an unusual flavor of indelicacy by stripping herself stark naked before she commenced the slaughter.

This orgiastic touch does not appear, of course, in the case for the State, but it is a favorite legend, always related when the tale of the crime is told. It is even set down in print, as if it were an accepted fact, by Mr. Algernon Blackwood, the novelist of the supernatural and the *macabre*. And this not in a novel, but in his memoirs—from his recollections of newspaper days.

No lover appeared (except in vague gossip) on Miss Borden's even most distant horizon. The jury promptly acquitted her amid the ecstatic applause of hundreds of persons, who were content with the simple assertion that "a woman couldn't do such a thing." The lady retired to a life of affluence; to a pleasant villa, to theatre parties, motor cars and improving travel. And after thirty-five years of this agreeable existence she passed on as serenely, and as little troubled by horrific visions, I have no doubt, as any of the rest of us.

A woman couldn't do such a thing! How often that is said, even by persons who have heard all that happened on that night in Mr. Snyder's bedchamber when Mrs. Snyder entered with the picture cord and the window weight.

4. *If you commit murder for insurance money or for mere pleasure make it wholesale. Never stop at one.*

This regulation bears with equal force against men; women are not especially restricted at this point. The person who kills some one obscure individual, who does it quietly and with moderate civility, is in a rather perilous position. Perilous, that is, for a murderer. There are about three chances in a hundred that he may be executed.

It is the wholesale poisoner, or the shockingly cruel and unusual murderer, who attracts the sob sisters and sob brothers of the yellow press; causes quack alienists to rally to his defense like buzzards around a carcass; invites the windiest oratory and the most unmitigated flapdoodle from his attorneys; and finally, if he be convicted at all, makes thousands of persons move heaven and earth, slander the living and vilify the dead, in order to save his precious body alive.

Mrs. Lydia Sherman, who confessed that she poisoned three husbands and eight children, has been described in this book.

"Of course," someone will say, "she was insane."

There is really no "of course" about it. She was well aware of what she was doing, and was careful to be furtive and to try to avoid detection. She never acted on an "irresistible impulse" to kill these people; there was never a time when she could not have controlled herself if she had been observed. The deaths of these persons brought her profit, or they relieved her of care and annoyance. The qualities of selfishness and callous disregard for others—qualities present in all of us to some degree—were developed in her to an unusual extent, and she slew people as you or I would kill a mosquito, or as some folk will club an egret to death for its feathers, or shoot a sea-gull *pour le sport.*

Sarah Jane Robinson of Massachusetts also illustrates the fact that the poisoner when discovered is usually no greenhorn at the business. One or two successes always create boldness and she proceeds upon her career.

Mrs. Robinson did not confine her efforts to her immediate family, but went farther afield.

In her enthusiasm for insurance and in her skill with arsenic she is generally supposed to have included in her attentions a brother-in-law, a nephew, and even her landlord, a gentleman called Oliver Sleeper. These, added to her husband, her son and her daughter, brought her total score up to at least six persons. It was on account of the death of her brother-in-law, named Prince Arthur Freeman, that the courts at last put an end to her activities. When it came to allowing a lady—"an American mother"—to perish, the Commonwealth of Massachusetts proved as tender as the rest and Mrs. Robinson was permitted to retire to prison and to loud and sanctimonious professions of religion.

In the same state, Miss Jane Toppan, "dear Aunt Jane," arose to a brief but disturbing fame. Miss Toppan, whose real name was Honora Kelly—not all of New England's sins come from Plymouth Rock—was a nurse. She was much in demand for her warm-hearted, motherly, big-bosomed and gracious presence—simply beaming with health and good spirits; the very personification of healing. It is not surprising if death sometimes follows the arrival of a nurse: we do not call in these helpers

for trivial ailments. Yet death seemed to follow in strange and perplexing forms when dear Aunt Jane was around. And when investigations began, the startled physicians and officers were suddenly aware that they had pried the lid off a section of hell into which none of them had ever peered.

With a few exclamations the cover was quickly replaced: Aunt Jane was put in an insane asylum and the greater part of her history remains unknown to this day. Except to a very few, it was never known. To the established facts, which account for four or five poisonings, a great many robberies and one case of arson, there is added, in legend and gossip, the tale of an enormous list of murders—ten, twenty, forty—which may or may not have any foundation in fact. A nurse's opportunities are many, yet the popular tendency is always to exaggerate.

Four of her murders were committed within forty-eight days and some of these seem to have had no motive but sheer sadism. Yet the distinguished alienist, Doctor C. F. Folsom, who vouched for her "moral insanity," says that from 1892 to 1900—or the last eight years of her career—she had the reputation of being "the best nurse in Cambridge." Furthermore,

until her crimes became known, "of all the many people who knew Miss Toppan there was not one who . . . had the least thought of her being in any form or degree insane or a degenerate, defective, mental or moral imbecile, or, poetically speaking, even a deviate."

Of Mrs. Gunness, beloved and perpetual heroine of the Sunday newspapers, and of her Indiana "murder farm" it is unnecessary to speak. Nearly everybody in America has heard of her and her wondrous success in tempting middle-aged Scandinavians and Teutons into putting all their bank deposits into their pockets and joining her in her rural home: object, matrimony. And of how these trusting gentlemen thereupon vanished from human sight, never to be met with again, until the exhumations began.

Mrs. Gunness never came into conflict with the law. She disappeared. If she had been arrested I have no manner of doubt that she could have found a lawyer unscrupulous enough to foul the characters of all her victims and represent her as a lamb of innocence. She could have hired an alienist or psychiatrist to testify that she played with dolls as a child and was, therefore, subject to a complex which made it impossible to hold her responsible for anything whatever.

Chocolate creams masked the deadly purposes of the Englishwoman Christiana Edmunds and the American, Cordelia Botkin. Each struck with a cruel disregard of consequences; Miss Edmunds put strychnine in her confections while Mrs. Botkin adhered to the simple and inexpensive recipe so long favored by lady poisoners: powdered arsenic.

Miss Christiana Edmunds conceived the brilliant notion of removing the doctor's wife. That lady was practically an-apple-a-day in Miss Edmunds' life, since she was keeping the doctor away from his adoring Christiana. She modestly prepared her sweets and took them with her to tea at the doctor's house. The plan was discovered, however, and both doctor and doctor's wife told Miss Edmunds, quite plainly, that a gift of chocolate creams, plus strychnia, constituted a breach of friendship which they were not disposed to pardon.

How was the rejected one to regain favor in their sight? A happy thought: simply by poisoning all, or nearly all, the chocolates at the local confectioner's and thereby, in the face of a general slaughter of the townsfolk, put the blame upon the confectioner. So she slipped her deadly chocolates into his stock. Only one

victim perished, however—a little boy—and in spite of the judge's remark about method in her madness, the jury found Miss Edmunds to be mentally incompetent.

Mrs. Botkin struck from across the continent. Her loaded bonbons travelled by mail from California to Delaware and poisoned six harmless people—four women and two children. Two of the women died. All were unknown to Mrs. Botkin, but one of them was the wife of the California lady's lover. Mrs. Botkin, thanks to the uncertainty of the courts and laxity of the law, spent some years—with many privileges—confined in jail. Her husband's name was one of the incongruities of the case. In view of her aversion from him, it is amusing to learn that he was christened Welcome A. Botkin.

Mrs. Fullam of Agra (whose astounding tale was in the English newspapers in 1913) used to write to Lieutenant Clark:

> The way, not mine, O Lord
> However dark it be;
> Lead me by thine own hand,
> Choose out the path for me.
> I dare not choose my lot,
> I would not if I might;
> Choose Thou for me, my God,
> Then shall I walk aright.

She would copy these model verses and add: "These lines are just what my poor sentiments now express, Harry darling, my own very precious sweetheart."

All the Fullams and Clarks were queerly inspired when they took pen in hand. The lieutenant used to write to his wife, saying:

"I am fed up with your low disgusting ways, for I am quite sure you don't care a damn what becomes of me."

Then he would sign himself:

"With fond love and kisses to self, and the rest at home, I remain

Your affectionate husband,

H. L. Clark."

The four persons in the tangle were Lieutenant and Mrs. Clark of the Indian Medical Service, and Mr. and Mrs. Fullam of the Military Accounts Department. Mrs. Fullam was purely English; the others, I believe, were Eurasian. Clark and Mrs. Fullam, desiring the total destruction of Mrs. Clark and Mr. Fullam, contrived, not without difficulty, and the writing of hundreds of incriminating letters, to slay Mr. Fullam. It was during their campaign that Mrs.

Fullam wrote the sentence about the soup, which I quoted earlier in this chapter.

Clark was rather brutal in appearance and manner. He was given, among other more commonplace diversions, to the curious sport of "duck fighting," a fact which makes me form a low opinion of his character. The man who forces such agreeable birds into combat seems to be somewhat lacking in the finer sensibilities.

The course of slow poisoning to which Mr. Fullam was subjected was finally ended by Clark. Under pretense of acting as his physician he killed the wretched man by injections of gelsamine, an alkaloid poison.

A year later, the assassination of Mrs. Clark was carried out by hired murderers in the employ of her husband. The actual perpetrators were Indian natives, *budmashes,* or loafers from the bazaar. Their fee for work of this kind is very moderate; they came into her room at night and killed her with a sword. (The method of a "brave man," according to "The Ballad of Reading Gaol.")

When Mrs. Fullam's bungalow was searched the police found all the correspondence with Clark. It revealed the entire plot: all this evidence had been preserved with the same fatuous

care with which Bywaters kept the letters of Edith Thompson.

Mrs. Fullam was sent to prison and soon died there. One or two of the *budmashes* were hanged, and with them, I am glad to say, there also died by the noose, Lieutenant Henry Lovell William Clark, the patron of duck fights.

APPENDIX

APPENDIX

SOURCES AND NOTES

1. Mrs. Wharton's House-Party:

This lady's brief celebrity is preserved in the "Trial of Mrs. Elizabeth G. Wharton . . .," published by the Baltimore *Gazette, c.* 1872.

She was also in the New York newspapers, and was made the subject of an excellent critical essay by John T. Morse, Jr., in the *American Law Review* (July, 1872), reprinted in his "Famous Trials," Boston, 1874.

2. The Colt-Adams Affair:

This trial is reported in "American State Trials," edited by John D. Lawson, LL.D., but the newspaper, pamphlet and miscellaneous material is more amusing. There is an "Extra" of *The Sun,* January 30, 1842, from which the picture of the fight is copied. I have a "Life and Letters of John C. Colt" —a pamphlet with a portrait on the cover. Mr. Colt's face looks out through the most umbrageous display of whiskers and hair that I have ever seen. There was "An Authentic Life" published in Boston. The later writers—Dunphy and Cummings, Sutton, and Alfred Henry Lewis—have described the murder. Mr. Lewis's story is, as usual, interesting, and mingled with fiction. Some of his variations from fact are unexplainable: the ship *Kalamazoo,* for instance, in his telling becomes the *Dalmatia.*

3. What Does a Murderer Look Like?

The British members of this sextette are all in the

"Notable British Trials." Mr. Richeson is in Doctor L. Vernon Briggs's "The Manner of Man that Kills." The portraits of Mrs. Thompson, Doctor Lamson, Major Armstrong and Ronald Tyne are by courtesy John Day Company. That of Mr. Richeson by courtesy Doctor L. Vernon Briggs.

4. The Wicked Duke:

Among numerous sources in French is the "Cour des Pairs de France, Assassinat de Mme. la Duchesse de Praslin. Procès-Verbal . . ."

Victor Hugo's observations are in his "Things Seen."

The case is in Armand Fouquier's "Causes Célèbres," and, in English, in Dunphy and Cummings's "Remarkable Trials," and in Mrs. Belloc-Lowndes's "Noted Murder Mysteries" by "Philip Curtin."

5. Five Times Convicted:

The article upon which this chapter is founded was in the *American Law Review* for July–August, 1922, under the title "The Strange Case of Ervin Pope."

Since my article was first printed, Mr. Sterne has very kindly sent me some further details of this peculiar and amusing affair. He writes:

"A rather acute collateral issue in the case was the question as to what became of a certain cap which Pope was supposed to have worn when he visited McClurkin's mill the afternoon before the murder. Numerous witnesses swore that he wore a cap at that time. When arrested no cap was to be found. He swore on the stand that the witnesses were mistaken

and that he had not worn a cap on that occasion nor possessed a cap at any time within recent years."

After Mr. Sterne's connection with the case had ended, he happened to meet Mr. B., one of Pope's advisers. Mr. B. revealed the fact that on a visit to the prisoner in jail, Pope had called him over to a corner and remarked:

"Here is that cap that they have been talking about so much."

With these words, he gave Mr. B. a crumpled package. On the way home in the train Mr. B. opened the paper and found a blood-stained cap. To the question, "What did you do with it?" Mr. B. replied:

"I waited until the train was going over the river and threw it out of the window."

Mr. Sterne adds: "You can readily see, however, why, when I was besought to recommend clemency for Pope, I consistently refused to do so."

He adds:

"In connection with the cap episode, B. told me the manner in which Pope concealed the cap. To my mind, it was a stratagem as brilliant in its simplicity as the device which was employed in Poe's story of 'The Purloined Letter.'

"Pope was out in his back yard—I presume, disposing of various incriminating articles—when he looked up and saw the officers approaching his house. He had not yet disposed of the cap, but was wearing it at the time. He knew that if found it would be terribly incriminating. There was no time to hide it. With a quickness of wit which must have been lightning-like, he stepped in the house and took off the hat-rack his hat which was hanging there. He put

this hat on his head, over the cap, and went out to meet the officers. From that point on, whenever he took off his hat he took off the cap with it. The officers searched him; they searched his house; they searched the neighborhood; hour after hour and day after day the men having Pope in custody searched for that cap, and all the while Pope had the cap on his head or within two feet of his person. Don't you think that was doing pretty well for an ignorant, Alabama corn-field darky?

"You will recall that Pope is officially reported to have escaped from the penitentiary, but rumor persisted in the contention that the supposed escape was a mere subterfuge, and, as a matter of fact, that he was quietly put to death. Some years after his escape was announced this same Mr. B. received from a far western state a copy of a little newspaper which called itself 'The Rambling Word of God.' The subhead indicated that it was printed by a travelling minister who published it when and where God's will permitted. (Pope, as is the case with many condemned negroes, became a preacher of the Gospel while in jail.) Mr. B. thought that the folder enclosing the publication was in Pope's handwriting. Furthermore, it spelled, or rather misspelled, his name in a most peculiar way—the exact spelling which Pope always used in writing to B. Another significant circumstance was this: Pope always addressed his letters to Mr. B. 'Please your honour.' This newspaper was addressed to 'Mr. B.—please your honour—Anniston, Alabama.'"

6. For the Borgia Medal:

The Messrs. Barclay & Co., of Philadelphia, evi-

dently decided that they had no libel suits to fear from Mrs. Sherman. They published her biography as "The Poison Fiend! Life, Crimes, and Conviction of Lydia Sherman (The Modern Lucretia Borgia) . . ." The illustrations, also, are conceived in no spirit of compromise. One of the more polite of the pictures is reproduced with this chapter.

7. References in Text.

8. The Tichborne Case:

My excuse for including a case so celebrated is that there are few conveniently available accounts in print. It was probably the most impudent attempt in history to seize a great estate by fraud. In this respect it was a predecessor of the Patrick case in New York. The latter included a murder, but not the ever-attractive problem of identity.

The masterly, brief account of the Tichborne case is in J. B. Atlay's "Famous Trials"—now out of print. The separate reprint of it may also be out of print. I have consulted this, as well as Sergeant Ballantine's "Experiences"; the essay in John T. Morse's "Famous Trials"; and newspapers and periodicals of the time. My only original discovery, or re-discovery, is modest if not trivial, but it was with glee that I recognized in the Barrister, of "The Hunting of the Snark," the features of Doctor Kenealy.

9. A Young Lady Named Perkins:

The two pamphlets named in the text, and:

"Faith Gartney's Girlhood," by Mrs. A. D. T. Whitney, Boston, 1863.

"A Summer in Leslie Goldthwaite's Life," by the same author, Boston, 1867.

"The Ego and the Id (Das Ich und das Es)," by Sigmund Freud, London, 1927.

"Aus der Geschichte einer infantilen Neurose," von Sigm. Freud.

"Hemmung, Symptom und Angst," von Sigm. Freud.

"Zur Psychopathologie des Alltagslebens (Über Vergessen, Versprechen, Vergreifen, Aberglaube und Irrtum)," von Professor Doctor Sigmund Freud.

10. The First Butterfly of Broadway:

"American State Trials." Also many pamphlet biographies of Robinson, as entertaining as they are unreliable. Writers of the thirty or forty years following the crime had a luscious job in describing the two principals. One crabbed old person—to judge by his handwriting—left a pencilled note on one of the pamphlets, to say that Helen was not especially beautiful, but was of a "peasant type." In holy indignation, I erased his comment.

11. "You Murdering Ministers!":

"Trial of the Rev. Geo. W. Carawan . . . before the Superior Court of Law of Beaufort County, North Carolina, Fall Term, 1853 . . . Together with a Sketch of the Murderer's Life . . .," New York, 1854.

12. That Damned Fellow Upstairs:

Sir John Hall's admirable account is in his "The Bravo Mystery and Other Cases." I have also consulted *The Annual Register; The Illustrated Lon-*

don News; The Times; J. Irving's "Annals of Our Time," 2d ed.; "Notes and Queries"; *The Illustrated Times;* and that curious and interesting work, Boase's "Modern English Biography."

13. References in Text.

14. Was Poe a Detective?:

Doctor Thomas Ollive Mabbott, who knows much more than do most people about Poe and his writings, has been good enough to read my article. He finds no serious errors in it, and he seems to share my suspicions of the confessions alluded to in Poe's later foot-note. He points out that the New York *Brother Jonathan* (the newspaper which Poe calls *L'Etoile*) gave much attention to the case, and that there is a file of this in the American Antiquarian Society at Worcester. Poe, however, combats the notions of *L'Etoile*.

There have been numerous brief accounts of the murder and Poe's supposed solution. I believe that the spiritualistic writer, Andrew Jackson Davis, devotes some chapters of his "Tale of a Physician" to this crime.

My scepticism about confessions is strengthened in this case by a publication from New Orleans, dated 1851, called: "A Confession of the Awful and Bloody Transactions in the Life of Charles Wallace, the Fiend-like Murderer of Miss Mary Rogers . . ." This work, like Toddie's description of the fight between David and Goliath, is "all bluggy," but the author of it neglected to post himself on the murder he wished to claim as his own. He did not even know that Mary Rogers disappeared on a Sun-

day, nor that she had already left the employ of the cigar-dealer.

15. The Occasionally Veiled Murderess:

"Henrietta Robinson," by David Wilson, New York and Auburn, 1855.

"American State Trials."

16. The Man Pays—Sometimes:

The Twitchells are splendidly treated in "The Trial and Conviction of George S. Twitchell, Jr., . . .," a pamphlet published in Philadelphia about 1869. From this work comes the picture of their passage through the streets.

17. The Hanging of Hicks the Pirate:

Hicks is adequately described in "The Life, Trial, Confession and Execution of Albert W. Hicks, the Pirate and Murderer . . .," published by Robert M. De Witt, in New York, probably in 1860. The illustrations are charming, although the full-length drawing of Hicks, smoking a cigar, looks disappointingly unlike a pirate. He seems to be about six feet, seven inches, and in his badly pressed trousers, frock coat, and chin beard looks like a caricature of an American Senator in *Punch*.

Mr. Herbert Asbury's very readable "Gangs of New York" devotes some pages to Hicks, with an account of the slaughter on board the *E. A. Johnson*.

18. The Mysterious Murder of Cécile Combettes:

There is a report, in French, published in Leipzig, which, however, I have not seen. I have exam-

ined the long essay in Armand Fouquier's "Causes Célèbres" (Paris, 1858) from which come the two pictures, and the English accounts in William Otter Woodall's "Collection of Reports of Celebrated Trials," and James Fitzjames Stephen's "General View of the Criminal Law of England." The case is one of the most curious that I know, and it certainly has not become hackneyed in this country.

19. Eight Professors from Yale:

There is good reason for believing that Amos Cummings wrote the excellent reports of the Hayden trial for *The Sun*.

After the trial, Mr. Hayden published an "Autobiography" (Hartford, 1880) on the whole, a dignified book.

A curiosity entitled "Who Killed Mary Stannard? Two New Witnesses. Clairvoyance and Psychometry Demonstrated," was published by the author, William Denton, at Wellesley, Mass., in 1880. The author procured a lock of what somebody told him was Mary Stannard's hair. This was pressed to the brow of a "sensitive"—a young man who was then enabled to see visions and reveal the truth. The trouble with a lock of hair is the difficulty in determining its provenance. See the adventures of the learned Doctor Fian of Scotland.

20. The Tirrells of Weymouth:

"Report of the Case of Geo. C. Hersey, Indicted for the Murder of Betsy Frances Tirrell, before the Supreme Judicial Court of Massachusetts . . .," by James M. W. Yerrinton, Boston, 1862.

21. The "Learned" Murderer:

"The Man of Two Lives! Being an Authentic History of Edward Howard Rulloff . . .," New York, 1871.

"Life, Trial and Execution of Edward H. Rulloff, the Perpetrator of Eight Murders . . .," Philadelphia, *c.* 1873.

There is much interesting information in "Rulloff, the Great Criminal and Philologist," an address by Honorable Samuel D. Halliday, before the De Witt Historical Society of Tompkins County, N. Y., Ithaca, 1906.

A visit to Knaresborough, in England, caused Goldwin Smith to set down in his "Reminiscences" some recollections of Rulloff, the supposed American counterpart of Eugene Aram.

The learning of Aram, the English schoolmaster-murderer, has also been exaggerated. The crime which he committed has, perhaps, the most extensive bibliography of any murder not a political assassination. In addition to everything else, plays, a poem, and a novel were founded on it. Mr. Eric Watson's careful history of Aram ("Notable British Trials") also contains a brief bibliography of Rulloff, with references to trials and to newspaper articles.

22. Accomplished Female Liars:

The Trial of Miss Smith's suit has been published in London, but my acquaintance with it comes solely through Mr. William Roughead's amusing essay: "The Ambiguities of Miss Smith," in his book: "The Fatal Countess."

The case of Marie de Morell and La Roncière is

given in English in H. B. Irving's "Last Studies in Criminology." In 1924, Maurice Talmeyr published "La Ténébreuse Affaire La Roncière." Recently, a German work, by Hans Aufricht-Ruda, partly history and partly that variety of fiction which is called "psychological interpretation," has been translated and published in America under the title "The Case for the Defendant." For those who wish to learn what is really known of Marie de Morell, and not what some one thinks she thought, the essay by H. B. Irving is recommended.

23. A Rather Mysterious Chancellor:

A newspaper article, source and date unknown, but written by James Parton, interested me in this case. Information about the Chancellor is scattered. I have consulted the newspapers of the time; Joel Munsell's "Annals of Albany"; the "Memoir of Thurlow Weed," by T. W. Barnes; and "A Tour around New York," by John Flavel Mines.

24. The Death of Gulielma Sands:

William Coleman's "Report of the Trial of Levi Weeks . . . taken in short-hand by the Clerk of the Court," New York, 1800.

Coleman mentions, with indignation, two hasty reports, which were rushed into publication. One was by Hardie, which is said to be like that of Coleman. The other, which Senator Lodge was unable to see, is by Longworth: "A Brief Narrative of the Bloody and Mysterious Murder of the Unfortunate Young Woman in the Famous Manhattan Well." The writer of it sympathized with Weeks, but his pam-

phlet is interesting chiefly as a curiosity. In the style of some journalism of that day, practically no one is mentioned by name.

The trial is in "American State Trials."

The Manhattan Well Murder, as it is called, has almost a "literature" of its own. You will be disappointed by its supposed treatment in fiction, in Theodore Fay's "Norman Leslie." With one or two exceptions, what treatment of a real criminal case in fiction is not disappointing? A writer who thought that the acquittal of Weeks was a miscarriage of justice discussed it in *Harper's Magazine,* May, 1872. Senator Lodge's article, and Miss Ethel Parton's reply, are in *The Outlook* (N. Y.) for August 26, and September 16, 1911.

25. The Crime in the Sunday School:

The Commonwealth of Massachusetts published "The Official Report of the Trial of Thomas W. Piper for the Murder of Mabel H. Young . . .," Boston, 1887.

My copy of this Report was, to some former owner, whose name is unknown, an "association copy" in a grim sense. He has annotated it, on part of a blank page, with a description of the hanging of Piper, which he witnessed. The execution took place in the rotunda of the prison, in the presence of spectators on the floor and in the galleries. The Sheriff and his deputies, it is rather grotesque to learn, were clad in dress suits, and silk hats; and the Sheriff carried a sword in his hand, as the procession marched across the pavement and ascended the platform. Piper sat in a chair while the Sheriff read the black-bordered warrant.

This reading of the warrant to the condemned man, at such a time, was a refinement of cruelty which seems to have vanished. Bad as it was, it may have been an improvement over the atrocious custom of an earlier period. When Josiah Burnham was hanged at Haverhill, N. H., in 1806, for the murder of two men, the Reverend David Sutherland kept him waiting with the rope about his neck, while he preached to him (and to about 10,000 spectators) a sermon, an hour long. And it was far from an encouraging sermon, when it touched upon the next world.

26. Mr. Spooner's in the Well:

The second volume of Peleg W. Chandler's "American Criminal Trials," Boston, 1844, contains the account upon which most of the later writers have founded their descriptions. There is probably pamphlet material, as well, but all that I have seen are two mutilated copies of the gallows-sermon.

27. Rules for Murderesses:

Mary Blandy and Kate Webster, of course, are in the "Notable British Trials." Mrs. Fullam has been put into a book by Sir Cecil Walsh: "The Agra Double Murder."

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